

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.202

CRM NO. M-36421 of 2016

DECIDED ON: December 19, 2016

ANKIT PURI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab with
Mr. Naveen Sharma (Moudgil), Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest feeling apprehension of his arrest, in case bearing FIR No. 121, dated August 20, 2016, under Sections 406 & 420 of IPC, registered at Police Station Division No.4, District Jalandhar, during the pendency of trial.

The instant case has been registered on the basis of written complaint of Rakesh Chopra wherein he alleged that he paid a sum of Rs.12.5 lacs to the petitioner for sending his nephew-Gurwinder Singh to German, but he is lingering on the matter for the last about 8 months.

It has further been alleged that his nephew was sent to Russia by the petitioner but he returned back. When he was asked to return the said amount, petitioner flatly refused.

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During the course of arguments, it has already emerged that mother of Gurwinder Singh has already settled in German. The instant complaint has been moved by Rakesh Chopra, who has no blood relation with Gurwinder Singh or his mother. Even, no specific date also finds mention in the complaint/FIR as to when the said amount was paid by Rakesh Chopra to the petitioner.

During the course of arguments, a query was put to the learned counsel for the complainant that where Gurwinder Singh is at present. Even a specific query was also put, whether he is in German at present, but learned counsel for the complainant could not give a specific reply to it.

Taking into consideration the aforesaid aspects, instant petition is allowed and petitioner is directed to join the investigation on 17.01.2017 at 11.00 A.M. and as & when required by the Investigating Agency. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.*

December 19, 2016

Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No

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