

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-38157 of 2015

.....

Date of decision:7.9.2016

Sumit Rustagi

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Chanchal K. Singla, Advocate for the complainant.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.158 dated 21.8.2015 (wrongly mentioned as 27.8.2015 in the order of Ld. ASJ, Mohali), registered for the offences under Sections 406 and 420 IPC at Police Station Mataur, District S.A.S. Nagar (Mohali).

Notice of motion has been issued in this case.

Mr. Varun Sharma, learned Assistant Advocate General, Punjab
has put in appearance on behalf of the respondent-State and Mr. Chanchal

K. Singla, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and learned counsel for the complainant and have gone through the record.

From the record, I find that as per the prosecution version, the main allegation is that accused/petitioner took ₹9 Lacs from the complainant on the basis of memorandum of understanding that he will hold the camps in Nigeria and will also procure patients for the complainant-hospital. As per the FIR, the present petitioner has not complied with the terms and conditions of the MOU and has not arranged any camp there.

Learned counsel for the petitioner argued that the doctors were not ready to go to Nigeria in view of the circumstances there and he could not hold the medical camps in Nigeria.

The present petitioner has already joined the investigation. He is not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without going into the merits of this case, I find that no useful purpose will be served by sending the petitioner him to custody. The arrest of the petitioner has already been stayed by this Court since 6.11.2015 except with the permission of the Court.

Therefore, in view of the above, I find merit in this petition and

[3]

the same is accepted and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

September 7, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No