

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

CRM-M No.43054 of 2016 (O&M)
Date of decision : 14.12.2016

Surinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.S.Ahluwalia, Advocate
 for the petitioner.

Mr. S.S.Sidhu, AAG, Punjab.

Mr. Vijay Lath, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.115, dated 09.11.2016 registered under Sections 406 and 420 IPC at Police Station Sadar Rupnagar, District Rupnagar.

As per allegations the petitioner had induced the complainant to part with a sum of Rs.8,50,000/- on the pretext that he would deposit the same in a investment firm which would yield handsome return. Later on neither the returns were made nor the original money was paid and it transpired that the company in which the complainant was induced to invest the money has disappeared.

Learned counsel for the petitioner has argued that the petitioner is at best an agent and the factum of agency would not shift the liability on to him.

On the other hand learned counsel for the complainant and learned AAG have argued that the petitioner was not only an agent but was atleast a accomplice not a main accused. It is also come on the record that the complainant had received roughly 25% of the amount which was deposited as interest before the default.

In my opinion, the interest of justice would be met if anticipatory bail is granted to the petitioner subject to his making a fixed deposit of the Rs.2.00 lacs in the name of the Chief Judicial Magistrate Rupnagar.

Resultantly, the petition is allowed.

The petitioner is directed to appear before the investigating officer on 21.12.2016 (between 10.00 AM to 04.00 PM) and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C. and subject to the making of fixed deposit of Rs.2.00 lacs in the name of Chief Judicial Magistrate, Rupnagar. This money would be handed over (alongwith the interest accrued thereon) to the party found entitled thereto by the Court. Let the deposit be made within a period of one month. In case the petitioner does not appear before the I.O. in the aforesaid manner the present petition would be deemed to have been dismissed. Thereafter once the Court of the Chief Judicial Magistrate certifies within one month that the deposit has been made and the interim

bail would be confirmed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

14.12.2016

Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No