

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

**Crl. Misc. No.M-20476 of 2016 (O&M)
Date of Decision: September 28, 2017**

Karam Singh

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gupta, Advocate
for the petitioner (s).

Mr. Luvinder Sofar, A.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.16 dated 08.03.2016 registered for the offence punishable under Section 420 of Indian Penal Code, at Police Station Dera Baba Nanak, Police District Batala.

Heard.

Learned State counsel while referring to the writing dated 25.06.2011 executed by Karam Singh submits that petitioner Karam Singh vide that writing had admitted that he had taken a sum of ₹2 lakh from Pardeep Singh-complainant for sending him to Singapore and if he could not send him to Singapore, he will return ₹2 lakh.

FIR in this case was lodged on 08.03.2016 i.e. after a period of

five years of that writing. In the FIR, there is no reference to this writing given by petitioner. The delay in reporting the matter to the police is a fact to be seen during investigation. It is also to be ascertained as to whether it was a writing executed by Karam Singh after receiving money for sending the complainant abroad or on some other count.

Keeping in view the fact that petitioner has joined the investigation, which is still in progress and his custodial interrogation is no more required, this petition is allowed and the order dated 14.06.2016 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police 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 accusation against him 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 prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

September 28, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No