

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

CRM-M -3494 of 2017 (O&M)

Date of decision: 22.03.2017

Balbir Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Rohan Sharma, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab.  
assisted by ASI Darshan Singh.

Mr. P.S. Ahluwalia, Advocate for the complainant.

\*\*\*\*

**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.84 dated 01.09.2016, registered under Sections 420 and 120-B of IPC, at Police Station Bakshiwala, District Patiala.

On 03.02.2017, this Court had passed the following order:-

*“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.84, dated 01.09.2016, under Sections 420/120-B IPC, registered at Police Station Bakshiwala, District Patiala.*

*Perusal of the FIR would reveal that the allegations*

*against the present petitioners are of having acted as conduits and having misappropriated a sum of Rs.15 lacs approximately on the pretext of getting employment for the family members of Nirmal Kumar and Dhanna Singh in Punjabi University, Patiala. Further allegations are that such money was collected to be forwarded to one Hardeep Singh and who is employed as a Peon in the office of Vice Chancellor, Punjabi University, Patiala. Identical allegations are also against Ram Pratap Singh i.e. father of petitioners No.1 & 2 herein.*

*Counsel would contend that the story put forth by the complainant is improbable. On the face of it, no prudent person would part with a sum of Rs.15 lacs and that too on the alleged assurance held out by a Peon working in the University. Furthermore, the entrustment is stated to relate back to the year 2013 whereas the FIR in question has been registered only in the year 2016. Counsel for the petitioner further submits that during the course of inquiry, no concrete evidence has been found against Ram Pratap Singh and against whom there are allegations as regards documents pertaining to educational qualifications of the prospective candidates having been handed over.*

*Prima facie the submission raised by the counsel as regards false implication of the petitioners carries weight.*

*Notice of motion, returnable for 22.03.2017.*

*In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.*

*In the event of arrest, the petitioners shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”*

It is contended that in pursuance of the order dated 03.02.2017, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation.

Considering the fact that the petitioners have joined the investigation and the fact that the transaction allegedly pertains to the year 2013 whereas the FIR was registered in the year 2016, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 03.02.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

22.03.2017

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**

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