

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

CRL. MISC. No.M-39905 OF 2017
DATE OF DECISION : 8th NOVEMBER, 2017

Rakesh Kohli

.... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sandeep Parkash Chahar, Advocate for the petitioner.
 Mr. Dhruv Dayal, Sr. D.A.G. Punjab.
 Mr. Karan Bhardwaj, Advocate
 for the complainant-respondent No.2.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.227, dated 05.09.2017 registered under Section 420 IPC, registered at Police Station City Khanna, District Khanna.

Heard learned counsel for the rival parties.

The prosecution allegations were that the petitioner had collected huge amount to the tune of ₹13,00,000/- on the assurance of sending the complainant to Canada. Admittedly, the petitioner was not a licensed agent. The amounts were received by him through various bank transfers from 16.05.2016 to 30.06.2016.

The counsel for the complainant has now appeared before this Court in this matter. He submits that the matter amongst the complainant and accused-petitioner has been settled and the complainant

has received amount of ₹11,00,000/- from the petitioner. However, in order to get rid of the entire thing, he has forgotten the balance amount. He has no objection for granting anticipatory bail to the petitioner.

In my opinion, looking to the fact that the criminal law was set in motion because of the vicious conduct of the petitioner collecting huge amount of money from the complainant, the petitioner cannot be allowed to go scot-free as he paid back the amount only after the criminal law was set in motion. But then the Government cannot be taken for a ride in the manner that has been done.

In that view of the matter, I make the following order.

ORDER

- (i) In view of concession given by counsel for the complainant prayer for grant of anticipatory bail is allowed, subject to deposit of non-refundable cost amount of ₹50,000/- with the office of Senior Superintendent of Police, Khanna, within a period of four weeks from today.
- (ii) It is made clear that if the cost amount of ₹50,000/- is not deposited within the stipulated period of four weeks the present order of anticipatory bail shall come to end automatically and police shall be entitle to arrest the petitioner.

8th NOVEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>