

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

206

CRM-M-31583-2018 (O&M)

Date of Decision : 03.08.2018

Gurnam Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Karan Singh Cheema, Advocate for the petitioner.

Mr. Nikhil K.Chopra, Addl. A. G., Punjab.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in case FIR No. 0065 dated 01.06.2018 u/s 420 IPC and Section 13 of the Punjab Travel Professional's Regulation Act, 2013 registered at Police Station Bullowal, District Hoshiarpur.

2. Learned State counsel has filed short affidavit of Gurdip Singh, ASI No. 1618/HPR, P.S. Bullowal, District Hoshiarpur pursuant to the order dated 26.07.2018. Para 3 of the affidavit read as under:-

“3. *That it is humbly submitted that the petitioner joined investigation in the present case on 29.06.2018 with the Police of PS Bullowal Distt Hoshiarpur as per direction passed by the Court of Sh.RK Khullar Ld. Additional Session Judge (D) Hoshiarpur in bail application under Section 438 Cr.P.C. but the petitioner did not get effected recovery of amount of Rs.10,00000/- and as such he did not cooperate in the investigation and his custodial interrogation is required by the police of PS Bullowal Distt Hoshiarpur in the present case.*”

Learned counsel for the petitioner pointed out para 2 of the FIR which reads as under:-

“2. *That I got transferred Rs.1,00,000/- to A/c No. 817027831490 given by Mohan Lal from my A/C 55098491280 State Bank of Patiala on 27.01.2017.*”

3. That apart a sum of Rs. 9 Lac has been paid to the petitioner and one Mohan Lal for the purpose of sending son of complainant to abroad (Cyprus) on 19.04.2017. Thereafter, they have cheated the complainant and his son. Having regard to the transaction of Rs. 1 Lac in the name of Mohan Lal that to in his account on 27.01.2017 question of examining para 3 of the affidavit would not arise. In view of the fact that Rs. 1 Lac has been remitted in the Bank account of Mohan Lal.

4. On the other hand, learned State counsel on instructions from ASI Gurdeep singh requested to direct the petitioner to join the investigation.

5. Heard the learned counsel for the parties.

6. In view of these facts and circumstances, petitioner is allowed benefit of anticipatory bail. Hence petition is allowed.

7. Petitioner is directed to appear before Investigating Officer and to join investigation.

8. In the event of arrest, the petitioner shall be released on interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C. Petitioner is directed to deposit a sum of Rs. 1 Lac in cash as surety in the court of Chief Judicial Magistrate concerned.

03.08.2018
pooja saini

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No