

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43843-2018 (O&M)
Date of decision: 04.12.2018

Jasvir Singh @ Pappu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Paramjit Singh Bal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. A.P. Batra, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.84 dated 07.03.2018 under Sections 420, 120-B IPC and Sections 10 & 24 of Immigration Act, registered at Police Station Model Town Ludhiana, District Ludhiana.

While granting interim bail to the petitioner, following order was passed on 04.10.2018: -

“.....Learned counsel for the petitioner has submitted that in case of similarly situated co-accused –Avtar Singh, the following order has been passed by this Court on 06.08.2018 in CRM-M No.25525 of 2018:-

“Learned counsel for the petitioners have argued that there is no direct allegation against the petitioners and they were working as agents of Sarv Hit Developers (India) Ltd. Company and in fact the petitioners themselves had made a huge investment with the said company.

Learned counsel for the petitioners have further submitted that the petitioners are ready to join investigation and cooperate with the investigating agency and to submit all the relevant documents in this regard. It is further submitted that to show their bona fide, petitioner Sukhmandar Singh is ready to deposit an amount of Rs.2 Lakh with the Illaqa Magistrate, to be deposited in the Government Treasury and petitioner Avtar Singh is ready to furnish surety bonds of Rs.2 Lakh along with one additional surety against immoveable property, subject to final outcome of the case.

Learned State counsel, on instructions from Inspector Sham Lal assisted by learned counsel for the complainant, has opposed the prayer of the petitioners on the ground that the petitioners have issued receipts to various complainants/victims who are total 10 in numbers.

Adjourned to 13.11.2018.

In the meantime, the petitioners are directed to appear before the Investigating Officer and join investigation and hand over the documents/data as required by the Investigating Officer. Petitioners Sukhmandar Singh is further directed to appear before the Illaqa Magistrate within a period of three weeks and deposit the amount of Rs.2 Lakh which will be deposited in the Government Treasury, similarly, petitioner Avtar Singh is also directed to appear before the Illaqa Magistrate within a period of three weeks and to furnish surety bonds of Rs.2 Lakh along

with one additional surety against immoveable property, subject to final outcome of the case.

In the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner has further submitted that there are no direct allegations against the petitioner and as per the version given in the FIR, the complainant has allegedly given some amount to Jasvir Singh. It is further argued that the petitioner is a government servant and is employed as a Teacher and he has been falsely implicated in the present case just to put pressure on the petitioner.

Learned counsel for the petitioner has also submitted that the petitioner is ready to deposit the amount of Rs.2 lacs with the Illaqa Magistrate, to be deposited in the Government Treasury, subject to final outcome of the trial.

Notice of motion for 13.11.2018.

Learned counsel for the petitioner submits that though there are allegations in the FIR that the complainant has given some amount to the petitioner, however, he is ready to deposit an amount of Rs.1.00 lac with the Illaqa Magistrate, to be deposited in the Govt. Treasury, subject to final outcome of the trial. It is further submitted that the petitioner is ready to join the investigation.....”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation. It is further submitted that the petitioner has already deposited the amount of Rs.1.00 lac with the Illaqa Magistrate and placed on

record photocopy of the treasury challan.

Learned State counsel, assisted by learned counsel for the complainant and on instructions from ASI Malkiat Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 04.10.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

04.12.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No