

**Sr. No.214
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-48359 of 2017 (O&M)

Date of Decision: 20.03.2018

Sidharath Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Gurcharan Dass, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. H.S.Brar, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.11 dated 15.01.2017, under Section 420 IPC read with Section 24 of the Emigration Act, registered at Police Station Division No.5, Ludhiana.

While issuing notice of motion, the following order was passed by this Court on 19.12.2017:-

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner(s) in case FIR No. 11 dated 15.1.2017, registered under Section(s) 420 IPC read with Section 24 of the Emigration Act, 1983 at Police Station Division No. 5, Ludhiana.

Learned counsel for the petitioner, though conceding the main allegation against the co-accused, contended that petitioner was just working as a Clerk with the company and a sum of Rs.2,00,000/- was

received by him in his capacity as such and in turn he handed over the amount to his employer immediately. Learned counsel further contended that petitioner is still ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab accepts notice on behalf of respondent. A copy of paper-book be provided to learned counsel for the respondent(s) during the course of the day.

List on 8.2.2018.

Meanwhile, petitioner(s) is directed to join the investigation. In the event of arrest, petitioner(s) shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner(s) will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Malkit Ram, Police Station, Division No.05, Ludhiana apprises the Court that petitioner has since joined investigation.

Briefly it may be noticed that FIR was registered on the complaint of Manjit Kaur against the allegations that she has been duped of a total sum of Rs.69 lacs on the pretext of sending her along with her family to Canada.

Even as per complainant's version, a sum of Rs.57 lacs had been transferred by way of RTGS in the account of Dapinderdeep Singh from the account of Kulwant singh i.e. husband of the complainant.

Insofar as the present petitioner is concerned, Rs.2 lacs in cash is stated to have been entrusted to him and for which even

a receipt had been issued.

Counsel representing the petitioner does not dispute such factual premise and submits that such amount was duly forwarded to the main accused.

State counsel also does not rebut the contention raised by counsel for the petitioner that he was merely working as a Clerk in the travel agency/firm being run by the main accused Dapinderdeep Singh.

In the totality of the circumstances, petitioner having joined investigation, his custodial interrogation would not be warranted.

Petition is allowed. Order dated 19.12.2017 passed by this Court is made absolute.

Disposed of.

20.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No