

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7587-2018(O&M)
Date of Decision: 04.04.2018

Jai Singh @ Baba

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. A.S. Manaise, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.9 dated 31.01.2018 under section 420 I.P.C, registered at Police Station, Dorangla, District Gurdaspur.

While issuing notice of motion, the following order was passed by this Court on 22.2.2018:-

“Petitioner seeks concession of anticipatory bail in case FIR No.9, dated 31.01.2018, under Section 420 IPC, registered at Police Station Dorangla, District Gurdaspur.

FIR has been registered on the complaint of Manjit Kaur on the allegations that she has been duped of a sum of Rs.6 lakhs by the petitioner on the pretext of sending her son abroad.

Counsel argues that it is a case of false implication. Petitioner is physically disabled and is working as a Sewadar in a Mandir and is uneducated. Contended that there was no occasion for the complainant under such circumstances to have entrusted such heavy amount in favour of the petitioner. To substantiate the assertion of false

implication, counsel submits that the petitioner had filed a criminal complaint under Sections 323/452/506/509/34 IPC dated 06.01.2017 against the complainant as also against her family members and in which they have been summoned by the competent Court and the present FIR is the counter blast to the same.

Notice of motion, returnable for 04.04.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

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

Learned State counsel upon instructions from ASI Gurmeet Singh would apprise the Court that the petitioner has since joined investigation. Prayer for bail is, however, opposed on the ground that recovery of Rs.6 lacs is yet to be effected from the petitioner. In this regard the contention raised by the petitioner that he has been falsely implicated and the FIR being a counter blast to a complaint that had been filed earlier in point of time against the complainant as also her family members and in which she had been summoned by the court, has gone unrebutted.

Under such circumstances, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 22.2.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.04.2018

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