

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9504-2019
Date of decision: 26.04.2019

Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

ASI Satish Kumar.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.93 dated 29.06.2018 under Sections 420, 406 IPC and Section 24 of Emigration Act, 1983, registered at Police Station Sadar, District Hoshiarpur.

While granting interim bail to the petitioner, following order was passed on 08.03.2019: -

“Counsel for the petitioner has submitted that while granting anticipatory bail to the co-accused of the petitioner namely Dilpreet Kaur, the following order was passed by this Court:-

“The petitioner prays for grant of anticipatory bail in FIR No.93 dated 29.06.2018 registered under Sections 420 and 406 of the Indian Penal Code and 24 of the Immigration Act, at Police Station Sadar Hoshiarpur, District Hoshiarpur. The operative part of the order dated 26.09.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“The earlier petition filed by the petitioner seeking anticipatory bail was dismissed as withdrawn with liberty to the petitioner to file afresh petition with better particulars. Counsel for the petitioner has submitted that as per the allegations in the FIR, the petitioner is the sister-in-law of the maternal uncle of the complainant and she has only introduced the complainant with one coaccused namely Gurpreet Singh, who is a travel agent. It is further submitted that even as per the allegations in the FIR, the amount was handed over to the Gurpreet Singh. Notice of motion for 03.12.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 26.09.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation. It is further submitted that primary allegations are against co-accused Gurpreet Singh in whose account, the amount was deposited by the complainant.

Learned counsel for the State, on instructions from ASI Satish Kumar, submits that as per the allegations in the FIR, an amount of Rs. 1.35 Lakh was given in cash to the petitioner, however, he has not disputed the factual position that petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, without commenting anything on the merits of the case, the petition is allowed and the interim bail granted to the petitioner, vide order dated 26.09.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.”

Counsel for the petitioner has further submitted that, in fact, the complainant on the basis of e-visa, obtained through the

petitioner and co-accused Dilpreet Kaur, in fact, traveled abroad and are still residing there and they filed the present FIR only to avoid the payment of balance amount.”

The Investigating Officer, who is present in the Court, has submitted that in pursuance of the aforesaid order, the petitioner has joined the investigation and is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 08.03.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

26.04.2019
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No