

202

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

CRM-M-14015 of 2019

Date of decision: September 12, 2019

Dharminder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Surinder Thakur, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.33 dated 02.03.2019, under Sections 406, 420 of the Indian Penal Code, 1860, registered at Police Station Tanda, District Hoshiarpur, Punjab.

On 28.03.2019, while issuing notice of motion, this Court has passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.33 dated 02.03.2019 under Sections 406,420 IPC registered at P.S Tanda, District Hoshiarpur.

The FIR has been lodged on the complaint of one Bhupinder Singh that the petitioner has cheated for an amount of Rs.3,68,000/- on the pretext of sending him abroad. It is alleged that the petitioner claiming himself to be a travel agent along with 1-2 other unidentified persons had come to the house of the complainant and assured the

complainant of getting a good job in Canada on payment of Rs.12 lacs for arranging Visa. The complainant paid an amount of Rs.1,68,000/- to the petitioner besides handing over his passport and 6-7 passport size photographs. After about two months, the petitioner while showing a Visa, which was in English script on his mobile phone, demanded the remaining amount from the complainant. Thereafter, the complainant gave an amount of Rs.2 lacs to the petitioner, who promised that he after arranging for Ticket would send the complainant to Canada within 2-3 months. However, neither was the amount returned nor did the petitioner send the complainant abroad.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in this case. In fact, the money was paid to some travel agents belonging to Delhi. The petitioner had only introduced the complainant to the said travel agents. Even the petitioner has also been duped by them and that the petitioner is a handicapped person, who is engaged in agriculture.

Notice of motion for 28.5.2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel, on instructions from police official present in Court to assist him, has stated that in terms of order dated 28.03.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 28.03.2019 granting interim bail to the petitioner, is made absolute subject to the provisions

of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 12, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No