

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22573 of 2019
Date of Decision: 16.12.2019

Mehal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Balkaran Singh Aulakh, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

None for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.45 dated 14.04.2019 registered for the offence punishable under Section 420 of Indian Penal Code, at Police Station Kabarwala, District Sri Muktsar Sahib.

Heard.

As per office report, complainant has been served but none has appeared on his behalf.

Learned State counsel on instructions from ASI Baljinder Singh submits that the petitioner has joined the investigation but recovery of ₹2 lakhs taken by him from the complainant towards party fund on the assurance that he will get him recruited in police, has not been effected.

As per allegations against the petitioner, he allured the complainant to part with ₹2 lakhs with the assurance to get him recruited in

the police. The complainant applied for the post in the police department but was not selected. Notice was also sent to complainant in this case but he has not appeared. The petitioner has joined the investigation. The mere fact that recovery of ₹2 lakhs has not been effected from him so far is not a ground to decline him anticipatory bail as the police can collect evidence in this regard and produce it with the final report.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 22.05.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

December 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No