

102+215

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

CRM-M-27378 of 2019 (O&M)

Date of decision: July 10, 2019

Raghav Mehra

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Bedi, Senior Advocate with
Ms. Shubreet Kaur, Advocate for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

Mr. Bikramjit Aroua, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

CRM No.20511 of 2019

Heard.

Application is allowed as prayed for, subject to all just exceptions. Annexures P-12 and P-13 (colly) are taken on record.

CRM-M-27378 of 2019

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 the petitioner, in FIR No.139 dated 17.10.2017, under Section 420 of Indian Penal Code, 1860, registered at Police Station Majaitha, Amritsar Rural.

Allegation against the petitioner is that petitioner along with co-accused cheated the complainant for wrongful gain by

concealing the factum of mortgage of house with HDFC Bank.

On 05.07.2019, this Court has passed the following order:-

“Mr. Bikramjit Aroua, Advocate appears, files vakalatnama on behalf of the complainant and the same is taken on record.

Learned State counsel, on instructions from Assistant Sub Inspector Rajbir Singh, has apprised the Court that out of total four accused, three have been declared innocent and seeks time to verify the complicity of the petitioner.

Adjourned to 10.07.2019.

*In the meanwhile, petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, **till the next date of hearing**, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”*

It is contended by learned Senior counsel for the petitioner that in terms of previous order dated 05.07.2019, petitioner has joined investigation and he has already returned the entire loan amount along with interest to respondent No.2-complainant.

The factum of joining investigation by the petitioner is duly acknowledged by learned State counsel, on instructions from police official present in Court, but opposed the bail petition primarily on the ground that recovery of money is yet to be effected. The same stand has been adopted by learned counsel for the complainant as well.

Since petitioner has already joined investigation and factum of liability has been specifically denied by him and there is an allegation that respondent No.2 is the real brother of one SHO-Harpal Singh, who is misusing his powers being a police officer. Thus,

whether any amount requires to be paid by petitioner, is a matter of

evidence to be decided after trial and there is no justification to deny concession of pre-arrest bail to the petitioner.

In view of the above, order dated 05.07.2019 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

July 10, 2019

mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**