

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-31749-2019 (O & M)
Date of Decision: November 05, 2019

RAJ NARIAN

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sourabh Arora, Advocate
for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Mr. Vivek Salathia, Advocate
for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Report of the Mediator has been received which indicates that the matter could not be compromised.

The petitioner is seeking anticipatory bail in FIR No.0103 dated 29.06.2019, under Sections 420 and 120-B of the Indian Penal Code, 1860, besides, Section 13 of the Punjab Travel Professional Regulation Act, 2012, registered at Police Station Kamboj, District Amritsar.

Learned counsel for the petitioner contends that the allegations in the FIR are primarily against co-accused Himani Sharma, who is stated to have received ₹21,00,000/-. He also contends that Himani Sharma is the main accused, as the money was transferred in her account. He also contends that there is no allegation that any money was paid to the petitioner or deposited in his account. He has also referred to the copy of the agreement entered into

between the complainant and Himani Sharma wherein it has been mentioned that ₹26,00,000/- will be paid to Himani Sharma for helping him to obtain Canadian visa and an amount of ₹6,00,000/- has been paid to her and the balance amount of ₹20,00,000/- shall be paid after the visa is approved. He also contends that the petitioner is being implicated falsely, as he is a relative of co-accused Himani Sharma. He further contends that the petitioner is the Manager in a bank and he is not involved in any other case.

Learned counsel for the complainant, however, contends that the petitioner is the person who had introduced the complainant to the other three accused and it was on the petitioner's behest, the money was paid to the other accused. He also states that there is transcript of the conversation of the petitioner wherein he has admitted that at his behest the money had been paid to the other accused.

Learned counsel for the petitioner, however, contends that from the transcript it is also borne out that the petitioner had been making efforts to get the other accused to return the money and get the matter settled as the petitioner is indeed related to the other accused.

This Court, by the order dated 24.09.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Ravinder Singh, states that although the petitioner has joined investigation but he is not disclosing the whereabouts of the other accused.

In view of the submissions of learned counsel for the petitioner and the petitioner having joined investigation, the order dated 24.09.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 05, 2019

A.Kaundal

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