

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-54995-2018 (O & M)
Date of Decision: 16.07.2019**

RAKESH KUMAR @ KESHA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. K. V. Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.116 dated 15.05.2010, under Sections 406 and 420 IPC, registered at Police Station Shahkot, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR although three persons have been specifically named by the complainant who are alleged to have taken a sum of Rs.1,80,000/- for sending his son abroad. The petitioner has been arraigned as an accused later on after the report of the DSP who had conducted enquiry. He also contends that the other co-accused named in the FIR have been acquitted by the trial Court on 29.11.2017. He also contends that petitioner was not aware about the proceedings against him and he had neither been declared as proclaimed offender nor a proclaimed person and it is erroneously recorded in the judgment of the trial Court that he was declared as proclaimed offender.

This Court, by the order dated 10.05.2019, 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, on instructions from ASI Rachpal Singh, states that although the petitioner has joined investigation but the money has to be recovered from him.

In view of the submissions of learned counsel for the petitioner especially when the co-accused have been acquitted and the petitioner has joined investigation, the order dated 10.05.2019 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

July 16, 2019

A.Kaundal

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