

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12311-2019 (O&M)
Date of Decision:- 19.2.2020

Yogeshwar Sood and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajvinder Singh Bains, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Sukhwinder Singh.

Mr. Shivender, Advocate for
Mr. B.S.Bhalla, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in a case registered vide FIR No.32, dated 24.2.2019, Police Station City Kotakpura, District Faridkot, under Sections 420, 120-B IPC.
2. The allegations, in nutshell are that in the year 2009 the petitioners sent the complainant along with his brother-in-law Jaspal Singh and one Gurmukh Singh to UK for the purpose of getting them employment in UK and although the complainant worked in UK for about 5 months but the petitioners withheld his salary amounting to

₹15 lakhs and ultimately the complainant returned back to India. It is further alleged that when the complainant returned back to India, he demanded his dues of salary from the petitioners but they instead of paying the dues of salary held out a promise that they would send the complainant to USA and for the said purpose took another ₹12 lakhs from the complainant. It is further alleged that another amount of ₹8 lakhs was also paid by the complainant but he was never sent to USA. It is further alleged that subsequently the accused represented that they would start a joint business of construction with the complainant and share profits and on account of the said representation, the complainant joined the said business but the petitioners withheld an amount of ₹48.5 lakhs which was his share of profit in the said business and in this manner complainant was duped of an amount of ₹83.5 lakhs in aggregate.

3. Learned counsel for the petitioners has submitted that a false FIR has been lodged against the petitioners and the falsity would be evident from the fact that some of the allegations pertain to a decade back i.e. the year 2009. Learned counsel has further submitted that the complainant had earlier also submitted two identical complaints which were inquired into by the police and were found to be false.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since some of the amount was paid by way of draft, the allegations are fully substantiated. The learned State counsel, upon instructions from ASI Sukhwinder Singh has however informed that upon conclusion of

investigation the police had prepared a cancellation report but the same has not been filed in the Court so far. It has also been informed that pursuant to interim directions, the petitioners have since joined investigation.

5. Having regard to the facts and circumstances of the case and while noticing that some of the allegations pertain to dues of salary in respect of the work done about 10 years earlier i.e. in the year 2009 and also that a cancellation report is stated to have been prepared and that the petitioners have already joined investigation, their custodial interrogation is not warranted. The petition, as such, is accepted and interim directions issued vide order dated 4.7.2019 are made absolute subject to the condition that the petitioners shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

February 19, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No