

201

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

**CRM-M No.12176 of 2020(O&M)
Date of Decision: 01.07.2020**

Bhupinder Singh @ Bhinda

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Anil Kumar Spehia, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.05 dated 15.02.2020 registered under Sections 7, 7-A of the Prevention of Corruption Act as amended by PC (Amendment) Act, 2018 and Section 120-B IPC at Police Station Vigilance Bureau Range Jalandhar, District Jalandhar.

Learned counsel for the petitioner submitted that

Kulwinder Kaur is the victim who gave an amount of Rs.1,00,000/- to the complainant through cheque along with passport and other documents for going to Canada. There are allegations that the aforesaid Kulwinder Kaur could not be sent to Canada for want of complete papers. Complainant returned her passport, but the amount was kept with him. In the context of return of the amount, the complainant has lodged the present FIR, ascribing the role of Reader of DSP, Ludhiana and other persons in making demand of money.

Kulwinder Kaur filed CRM-M No.10855 of 2020 in which interim anticipatory bail was granted to her vide order dated 16.03.2020. The brother of aforesaid Kulwinder Kaur namely Narinder Singh also filed CRM-M No.12717 of 2020 and interim bail was granted to him as well.

Learned counsel for the petitioner contends that the complainant is working as a travel agent and had received money from Kulwinder Kaur for sending her abroad, but he did not do the needful. The lodging of FIR is a counter blast to the complaint filed by Kulwinder Kaur on 13.02.2020.

On 12.05.2020, following order was passed:-

“The petitioner is seeking anticipatory bail in FIR No.05 dated 15.02.2020, under Sections 7, 7-A of the Prevention of Corruption Act, 1988 as amended by

PC (Amendment) Act, 2018 and Section 120-B IPC, registered at Police Station Vigilance Bureau Range Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the FIR is a counter-blast to the complaint filed by co-accused Kulwinder Kaur against the complainant who is working as a travel agent had taken money from her for sending her son abroad but did not return the same. The co-accused Kulwinder Kaur had filed a complaint against the complainant on 13.02.2020 but instead of taking action on that complaint, the petitioner and co-accused have been falsely implicated in the case. The allegations in the FIR are that the petitioner along with others tried to extort money from complainant and they had impersonated as police officials and, therefore, offence under the Prevention of Corruption Act has been invoked. He also contends that co-accused Kulwinder Kaur and Bablu Kumar have been granted anticipatory bail in CRM-M-10855-2020 and CRM-M-11096-2020.

Issue notice to the respondent.

At the asking of the Court, Ms. Rashmi Attri, AAG, Punjab accepts notice on behalf of the State and contends that the petitioner had tried to extort money from the complainant. The presence of the petitioner and his co-accused is also recorded in CCTV installed outside the house of the complainant.

List on 01.07.2020.

In the meantime, petitioner is directed to appear before the Investigating Officer and join investigation.

In the event of his arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from Inspector Kuldeep Singh states that the petitioner has joined the investigation. Investigating Officer has collected call records and also recorded voice sample of the accused, but the petitioner is not cooperating with the Investigating Officer.

Be that as it may, in view of nature of allegations, I deem it appropriate to confirm the order dated 12.05.2020. However, petitioner is directed to cooperate with the Investigating Officer and keep on joining the investigation as and when called upon to do so. The failure on the part of the petitioner would entail in giving right to the Investigating Officer to file an appropriate application for cancellation of anticipatory bail in accordance with law.

01.07.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No