

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-12553 of 2020
Date of Decision : 07.07.2020

Kapil Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Divjyot S. Sandhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

(presence marked through video conference).

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The petitioner is seeking anticipatory bail in FIR No. 56 dated 16.05.2019, under Sections 420 and 120-B IPC, registered at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.05.2020. Order dated 29.05.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

On the last date of hearing, the following order was

passed:-

“Prayer in these petitions is for grant of anticipatory bail to the petitioners namely Kapil Kumar and Prem Lata in FIR No.56 dated 16.05.2019 registered under Sections 420 and 120-B IPC at Police Station Tapa Mandi, District Barnala.

Counsel for the petitioners has argued that as per the allegations in the FIR, the complainant –Mehma Singh had deposited an amount of Rs.8,94,100/- in the account of the petitioner – Kapil Kumar for sending him abroad/Canada, however, neither the complainant was sent to Canada nor the amount was returned. Counsel for the petitioners has also submitted that it is further stated in the FIR that thereafter, the complainants were not traceable and thereafter, this FIR has been registered. It is further submitted that the petitioners are ready to explore the possibility of some settlement and to show their bona-fide they will deposit an amount of Rs.3,00,000/- with the Illaqa Magistrate without prejudice to their right of defence to be paid to the complainant on furnishing solvent surety. It is also argued that the entire allegations are against the petitioner – Kapil Kumar whereas the petitioner – Prem Lata is involved in the FIR only, being the wife of the petitioner – Kapil Kumar though, she is named as Riya Sharma in the FIR.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, who is appearing through video conferencing, accepts notice on behalf of the State.

List again on 29.05.2020.

In the meantime, the petitioner – Prem Lata is directed to deposit an amount of Rs.3 lacs with the Illaqa Magistrate without prejudice to their right of the defence to be taken during the course of trial.

The petitioner – Prem Lata is further directed to appear before the Investigating Officer, after depositing the aforesaid amount, to join investigation and she shall be

released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. She shall make herself available for interrogation by a police officer as and when required;*
- 2. She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. She shall not leave India without previous permission of the Court.*

The case of the petitioner – Kapil Kumar for grant of interim bail will be considered after the amount of Rs.3,00,000/- is deposited with the Illaqa Magistrate.

A photocopy of this order be placed on the file of other connected case.”

Learned counsel for the petitioner submits that as undertaken, a sum of Rs.3,00,000/- has already been deposited and, therefore, the request of the petitioner Kapil Kumar for the grant of anticipatory bail may be considered as the petitioner has shown bonafide by depositing the amount.

Keeping in view the facts of the present case, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jasvir Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation.

In view of the above, the order dated 29.05.2020 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 and co-operate as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the police that petitioner is required for the investigation but is not joining the same or co-operating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 07, 2020
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No