

CRM-M-17859-2020(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-17859-2020(O&M)

Date of decision: 07.08.2020

Parvesh Gill @ Parvez

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Ms. Sukhbir Kaur, Advocate for  
Mr. R.K.Arya, Advocate for the petitioner  
Mr. V.G.Johar, Sr. DAG, Punjab

**ANIL KSHETARPAL, J. (ORAL)**

On 8.7.2020, the following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.129 dated 14.6.2020 registered under Section 420 IPC at Police Station Dhariwal, Tehsil and District Gurdaspur.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Gurdaspur in para 3, which is extracted as under:-

“3. Briefly, the relevant facts for disposal of the present bail application are that the aforesaid FIR was got registered on the basis of application

of Kewal Masih son of Ajit Masih, resident of village Sohal, P.S. Dhariwal, Tehsil and District Gurdaspur made to the police against Neeraj Kumar son of late Khurshid Masih resident of Ward No.12, House No.16 Dhariwal near Langah Market, P.S. Dhariwal, Parvej Gill son of Rafiq Masih resident of village Nawan Pind Bandianwala, Tehsil and District Gurdaspur for committing fraud with him for an amount of Rs. 3,00,000/-for appointment of his son in police department. It has been alleged in the application that he Kewal Masih son of Ajit Masih is a resident of village Sohal, P.S. Dhariwal, Tehsil and District Gurdaspur. The above said Neeraj Kumar son of late Khurshid Masih resident of Dhariwal and his brother-in-law (Jija) Parvej Gillo son of Rafiq Masih resident of Bandianwala are working of appointment of the young persons in the police department after getting huge amounts. He (complainant) has also been introduced with them due to nearby

village and nearby city. He also came into their contact. The above said Neeraj Kumar and his brother-in-law (Jija) Parvej Gill had demanded an amount of Rs. 4,00,000/-for appointment of his son Vishal in police department and their 3 UID No. PB0057 conversation was settled for an amount of Rs. 3,00,000/-. The above said Neeraj Kumar and his brother-in-law (Jija) Parvej Gill had given to him their account no. 50100041353264 in which he had transferred an amount of Rs. 3,00,000/- from his account no. 0137000100303022 from Punjab National Bank Batala Road Dhariwal. This occurrence was happened about three years ago. The above said Neeraj Kumar and Prevej Gill did not provide the appointment to his son in police department nor returned the amount to him. Thereafter, an inquiry was conducted, where Neeraj Kumar and Parvej Gill arrived into compromise with him (complainant) and Neeraj Kumar alone executed an affidavit in which it

has been affirmed that in the month of February, 2019 they will pay an amount of Rs. 50,000/- to the complainant and rest of the amount of Rs. 2,50,000/- will be paid till 10.09.2019 but they did not return the amount till date and making excuses on pretext or the other. Thereafter, Neeraj Kumar had given a cheque dated 23.09.2019 for an amount of Rs. 3,00,000/-of HDFC Bank Dhariwal bearing account no. 50100041353264. He also came to know from the bank that there is insufficient fund in the said account. Then he again raised demand of the above said amount from the said Neeraj Kumar and Parvej Gill, they flatly refused to pay the said amount whereas it is clearly mentioned in the affidavit that in case till the date fixed they have failed to pay the said amount, they will be responsible for the payment of double of the amount. On the basis of these allegations, the present case was registered against the accused persons. Being apprehension from that, the

accused/applicant Parvesh Gill has preferred the present anticipatory bail application as per section 438 Cr.P.C.”

Learned counsel for the petitioner contends that in fact the first informant had settled his dispute with Sh. Neeraj and received a cheque of Rs.2,50,000/-. He submits that the petitioner has been falsely implicated as he is brother-in-law of Neeraj.

Notice of motion.

On the request of the Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 7.8.2020.

Keeping in view the facts of the case, this Court is of the considered view that let the petitioner join investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Jagdish

Singh has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 8.7.2020 is hereby made absolute.

Petition stands allowed.

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|---------------------------|-------------------|
| 07.08.2020                | (ANIL KSHETARPAL) |
| rekha                     | JUDGE             |
| Whether speaking/reasoned | Yes / No          |
| Whether Reportable        | Yes / No          |