

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22938 of 2020

Date of Decision : 29.10.2020

Gurlal Chahal

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Ashok Giri, Advocate for the petitioner.

Ms. Safia Gupta, A.A.G. Haryana.

Mr. Navneet Singh, Advocate for complainant.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.364 dated 13.07.2020 under Sections 406, 420, 506 of IPC registered at Police Station Shahabad, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 17.08.2020. Order dated 17.08.2020 is as under:-

“Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.364 dated 13.07.2020, under Sections 406, 420 and 506 IPC, registered at Police Station Shahabad, District Kurukshetra.

Learned counsel for the petitioner argues that allegations by the complainant that the petitioner was paid an amount of Rs.23 lacs so as to secure the

residents visa of Canada for whole of the family, are false, which can be adjudged from the documents attached with this petition. Learned counsel submits that as per the application form, complainant and his wife approached the petitioner for securing the tourist visa for a period of 10 days for which, petitioner was paid a sum of Rs.3.5 lacs. Learned counsel further submits that as the complainant is a graduate and his wife is a post graduate, it cannot be said that at the time of the filling of the application form, the complainant did not knew that the application was submitted for visitors visa and not for permanent residence of Canada. Learned counsel for the petitioner submits that in pursuance to the application submitted on behalf of the complainant, they were called for bio-metrics but due to Covid-19, their application could not be processed further. Learned counsel for the petitioner submits that though, the petitioner has incurred expenses out of Rs.3.5 lacs received from the complainant but to secure his peace, petitioner is ready to return back Rs.3.5 lacs to the complainant immediately by way of bank draft.

Notice of motion.

Ms. Ambika Luthra, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Navneet Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned counsel for the complainant submits that complainant had sold the agriculture land and had paid the petitioner in cash. Learned counsel for the complainant has not been able to point out as to when the said land was sold and why, the amount was paid in cash to the petitioner.

I have heard learned counsel for the parties and

have gone through the record carefully.

As the allegations of the complainant are yet to be investigated and proved in the Court of Law with regard to payment of Rs.23 lacs to the petitioner, petitioner has made out a case for the grant of anticipatory bail. This anticipatory bail is being granted to the petitioner keeping in view the undertaking given at the time of hearing that before the petitioner is extended the said benefit of anticipatory bail, petitioner will return Rs.3.5 lacs, which admittedly the petitioner had taken from the complainant, by way of bank draft. 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 his/her satisfaction subject to the following conditions :

- (i) That he shall make themselves 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.
- (v) Petitioner has paid a sum of Rs.3.5 Lacs to the complainant by way of Bank draft.

Adjourned to 14.10.2020.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Jaswinder Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 17.08.2020 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 as and when called upon to do so.

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

The petition stands disposed of.

October 29, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No