

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24171-2020 (O&M)

Date of decision: 29.09.2020

Varinder Kumar @ Viren Chaudhary

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Kapila, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.06 dated 17.01.2020 registered under Sections 420 and 120-B of Indian Penal Code, 1860 at Police Station Ghuman Kalan, District Gurdaspur.

On 25.08.2020, this Court passed the following order :-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 6 dated 17.1.2020, registered under Section 420, 120-B IPC at Police Station Ghuman Kalan, 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 complainant Amritpal Singh son of

Gurmittar Singh, resident of village Ghuman Kalan, Post Office Ghuman Kalan, Tehsil and District Gurdaspur against applicant Sukhbir Singh son of Parminder Singh resident of village Ghuman Khurd who is presently residing at Portugal for committing fraud with him for an amount of Rs. 14,50,000/- on the pretext of sending him to Portugal. The said Sukhbir Singh son of Parminder Singh resident of village Ghuman Khurd is his neighbour who said to him on phone that he (applicant) will be sent to him (complainant) to Portugal and for this purpose Rs. 14,50,000/- will be borne. He also introduced to him with one Harpreet Singh son of Hardeep Singh who is resident of village Chanalo (Malak Majra) District Fatehgarh Sahib, Sarhind and also stated to him (complainant) for giving him passport, pan card, Aadhar Card etc. He (complainant) handed over these documents to Harpreet Singh nearby Jalandhar Bus Stand and at that time his maternal uncle (Mama) Ajmer Singh of village Sukha Raju was also present there. Harpreet Singh also stated to him that after 3-4 days your (complainant) finger prints will be obtained. After 3-4 days his finger prints were taken. After about 10 days Sukhbir Singh from Portugal through mobile phone said to him (complainant) for giving Rs. 4,00,000/- to Harpreet Singh as he will come to your village Ghuman Kalan. Then Harpreet Singh and his father came to his house and had taken Rs. 4,00,000/- in cash from him (complainant). Then he sent the copy through whatsapp by showing the visa and to check the same. Thereafter Sukhbir Singh and Harpreet Singh told to him one phone that their person is at Tanda District Gurdaspur whose names are Viren Chaudhary and Ashu and

vehicle number is PB-07-AA-4177 and to hand over Rs. 8,00,000/- to him. At their instance they (complainant party) on 28.08.2019 handed over Rs. 8,00,000/- to Viren Chaudhary and Ashu and Sukhbir Singh also stated to them that Rs.2,50,000/- be handed over to his parents at village Nikke Ghuman and they had given Rs. 2,50,000/- to his parents at his house. After that Sukhbir Singh and other persons neither given the ticket to him nor returned his passport and other documents despite repeated requests made by him, but they continuously harassed him. The said amount was given by him (complainant) after borrowing the same from his relatives. In this way, the above said persons cheated him for an amount of Rs. 14,50,000/- for sending him abroad. He is a poor person and had given the said amount after borrowing the same. Legal action may be taken against the said persons. On the basis of these allegations the present FIR was registered against the accused persons. Being apprehension from that, the accused/applicant Varinder Kumar @ Viren Chaudhary has preferred the present anticipatory bail application under section 438 Cr.P.C.”

Learned counsel for the petitioner contends that the FIR does not contain any allegation against the petitioner. He further submits that as per the FIR, the first informant is stated to have delivered Rs.8,00,000/- to the petitioner, on the directions of Sukhbir Singh and Harpreet Singh.

Notice of motion.

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

Adjourned to 29.9.2020.

Keeping in view the aforesaid facts, it is considered appropriate 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 counsel for the petitioner states that pursuant to the order dated 25.08.2020 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Balwinder Singh states that the petitioner has joined the investigation and he is no more required for any further investigation.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 25.08.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

29.09.2020

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Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No