

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****203****CRM-M-25562-2020 (O&M)**
Date of Decision: 02.12.2020

Gaurav Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajesh K. Dadwal, Advocate, for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.50 dated 06.03.2020 at Police Station City Nawanshahar, District SBS Nagar, under Section 420 IPC.
2. At the time of issuance of notice of motion on 02.09.2020, this Court passed the following order:

“The learned counsel for the petitioner submits that it is a case where allegations are to effect that the petitioner had taken an amount of Rs.70,000/- from the complainant for sending him to Dubai and for arranging some employment. It has been submitted that the complainant was in fact sent to Dubai but somehow he could not adjust there and did not take up any employment. It has further been submitted that the petitioner, in any case, is willing to compensate

the complainant as regards the amount spent by him for purchasing the air tickets.

Notice of motion for 02.12.2020.

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

3. Learned counsel for the petitioner has submitted that it is a case where the complainant was indeed sent to Dubai, but since he could not adjust himself there, he chose to return back and as such it cannot be said that the petitioner had cheated the complainant in any manner. Counsel for the petitioner has submitted that in any case without meaning to admit the allegations leveled against him, he is willing to compromise the matter for an amount of Rs.30,000/-, which may be said to be the expenditure incurred by the complainant for purchasing tickets etc. but somehow the complainant could not be contacted by the petitioner.
4. Learned State counsel has, however, opposed the petition and informed that the petitioner happens to be involved in four other identical cases. Learned State counsel upon instructions from ASI Sukhdev Singh has informed that the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that it is case where the complainant had indeed been sent to Dubai, it will certainly it will be debatable as to

whether the petitioner has cheated the complainant or not. In any case, since the petitioner is stated to have joined the investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 02.09.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. Needless to mention here that it shall be open to the petitioner to make efforts for resolving the matter amicably in case it is possible as the same would be in the interest of both the parties.

02.12.2020
Vimal

(GURVINDER SINGH GILL)
JUDGE

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