

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34807 of 2020

Date of Decision: 30th October, 2020

Gurmail SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepak Jindal, Advocate with
Mr. Sunil Rana, Advocate
for the petitioner.

Mr. H.S. Multani, AAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The present petition is filed being aggrieved of the order dated 20.10.2020 rejecting the anticipatory bail.

FIR No. 0220 dated 18.9.2020 under Sections 406, 420 IPC at Police Station Dasuya was registered at the instance of Surinder Singh. The complainant and the accused are relatives. The allegations are that son of the petitioner is living at Bolivia and married there. There was an offer to send the son of the complainant to America and for the said purpose Manjeet Singh son of the petitioner had taken money i.e. Rs. 4,00,000/- at the first instance and thereafter more money totalling Rs.13,50,000/-. Initially the amount was deposited in the account of Manjeet Singh in ICICI Bank and subsequent money was sent to various persons at the instance of Manjeet Singh. The case is that the son of the complainant never reached America but got stuck on the way. Money was asked for pursuing the legal remedy yet no assistance was provided.

Learned counsel for the petitioner submits that this is a case of false implication, no money was given or transferred to the petitioner. The allegations are against his son Manjeet Singh, he was named to create pressure on Manjeet Singh.

Learned State counsel opposes the grant of anticipatory bail and submits that the amount is yet to be recovered, custodial interrogation is necessary.

Considered the rival contentions. The only allegation in the FIR is that petitioner came to the house of the complainant and there were discussion about sending the son of the complainant to abroad. No money was taken by the petitioner or transferred to the petitioner. The parties being related, the allegation of visit to the house of complainant itself would not be enough to deny the personal liberty of the petitioner.

The petition is allowed subject to the petitioner joining investigation within two weeks. He shall be bound by the conditions as envisaged under Section 438(2) Cr.P.C. It is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.

30th October, 2020

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	Yes