

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45780-2019 (O&M)
Date of Decision:-11.2.2020

Manjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Malkeet Singh, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by SI Ajit Singh.

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.156 dated 5.9.2019 at Police Station Bhogpur, Jalandhar (Rural) under Sections 406, 420 and 120-B of Indian Penal Code.
2. Status report by way of affidavit of Sh. Surinder Pal Singh, PPS, Deputy Superintendent of Police, (Crime against Property), Additional charge of Sub Division Adampur, Jalandhar (Rural) has been filed by learned State counsel today in Court, which is taken on record.
3. The FIR was lodged at the instance of Baldev Singh, wherein it has been alleged that the accused Palwinder Singh, his brother Manjit Singh

(petitioner) and Rajinder Singh @ Tarsem Singh had duped him of an amount of ₹9.5 lakhs on the pretext of sending his son to 'Austria' but infact his son was sent somewhere in 'Ukrain' and was left stranded there.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the ground that he happens to be brother of the main accused namely Palwinder Singh. The learned counsel, in order to hammer forth his aforesaid submission, has drawn the attention of this Court to a copy of agreement, which was placed on record on 30.10.2019. A perusal of the same shows that an agreement for sending complainant's son abroad was entered into between Palwinder Singh and the aforesaid Baldev Singh.
5. The learned State counsel has, however, opposed the petition mainly on the ground that since the petitioner is specifically named in the FIR and is stated to be present when the aforesaid amount of ₹9.5 lakhs was handed over to Palwinder Singh on different occasions, no case for grant of bail is made out. However, upon a query made by this Court, the learned State counsel upon instructions from SI Ajit Singh, who is present in Court, has not been able to dispute the existence of agreement, which is on a stamp paper, which is stated to be executed between Palwinder Singh and complainant Baldev Singh as regards sending of complainant's son abroad in lieu of an amount of ₹9.5 lakhs. There is no mention of the petitioner in the said agreement, which would prima-facie suggest that the deal was between complainant and co-accused Palwinder Singh only.
6. Without commenting upon the veracity of allegations made by the complainant and while refraining from making any expression as regards the

authenticity of the aforesaid agreement and while bearing in mind that the petitioner has since joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 30.10.2019 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.

11.2.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No