

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47297-2019
Date of Decision: 05.03.2020

Jaswant Singh and another

... Petitioners

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nandan Jindal, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG Punjab assisted by
ASI Bir Chand.

Mr. Ishan Gupta, Advocate
for the complainant.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.29 dated 12.02.2018, under Sections 406/420/120B of IPC and Section 24 of the Emigration Act, 1983 registered at Police Station Sohana, District SAS Nagar Mohali.

On 06.11.2019 following order was passed:

“Learned counsel for the petitioners submits that the case against the petitioners is totally concocted. It is further submitted that the petitioners do not even know the complainant as such. Therefore, there is no question of the petitioners having received Rs.15 lakhs from the complainant or ensuring sending the nephew of the complainant to Canada. Otherwise also, the incident is stated to be of the year 2014, whereas the FIR has been got

registered only in the year 2018. It is also submitted that there is no receipt of the said money alleged to be issued by the petitioners. The alleged writing in their favour claimed by the complainant, was never signed by the petitioners. The petitioners have been involved in this case only because they happen to be related to one Advocate Shri R.S. Mour, with whom the complainant is having series of litigation. Otherwise, the petitioners are not connected with any business of sending people abroad. Rather the petitioner No.1 is a retired teacher.

Notice of motion for 05.03.2020.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.”

It has been stated by learned counsel for the petitioners that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court and nothing has to be recovered from them. They are no more required for the purpose of investigation.

Learned State counsel, on instructions from ASI Bir Chand, has not disputed the factual position of the case and conceded that custodial interrogation of the petitioners is no more required. However, it has been stated by learned counsel for the complainant that petitioners have a financial liability to the extent of Rs. 1,40,00,000/- towards the complainant and other persons. On a query, it has been stated by learned State counsel that no other criminal case has been registered against the petitioners.

In these set of circumstances, sufficient exceptional

circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The order dated 06.11.2019 is made absolute.

The petition stands allowed.

05.03.2020

Janki

(VIVEK PURI)
JUDGE

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