

CRM-M-52032-2019

Date of decision: 30.01.2020

RAHUL MAHEY

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K.Trikha, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

Mr. Ishan Sharma, Advocate
for respondent No.2.

VIVEK PURI,J. (ORAL)

Vakalatnama on behalf of respondent No.2 has been filed in Court today, which is taken on record.

On 06.12.2019 following order was passed:-

“Contends that allegations pertain to the year 2016 and the present FIR has been lodged on 13.06.2019 i.e. after a period of three years.

Notice of motion for 30.01.2020.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C”.

Precisely, the allegations against the petitioner are to the effect that he had extracted a sum of Rs. 21 lacs from the complainant on the false pretext of sending him abroad.

It has been stated that on 13.09.2017, the complainant had himself lodged a report with regard to the loss of his passport. The alleged transaction took place as back as in the year 2016 and the complainant remained silent for a period of about two and a half years and the FIR has been lodged only on 13.05.2019.

It has not been disputed by learned State counsel that the petitioner has joined investigation in pursuance of interim direction issued by the Court. It has also been stated by the learned State counsel that an enquiry in the matter on the application of the petitioner is still pending with SP, Headquarter.

Without expressing any opinion on the merits of the case, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

Keeping in view the facts and circumstances of the case and the fact that the petitioner has joined investigation, the order dated 06.12.2019, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

30.01.2020
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(VIVEK PURI)
JUDGE

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