

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

CRM-M-451-2021 (O&M)
Date of Decision:- 14.9.2021

Pardeep Saini.... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Pawan Kumar.

Mr. R.K.Arya, Advocate, for the complainant.

(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 against him vide FIR No. 132, dated 8.12.2020, Police Station Taragarh, Pathankot, under Sections 420, 120-B IPC.
2. The FIR was lodged at the instance of Kali Das wherein it is alleged that he became acquainted with Pardeep Saini who lives near his house and who represented to him that he could secure a job for complainant's son in the Army and demanded an amount of Rs.2

lakhs for the same. It is alleged that the complainant initially paid an amount of Rs.1 lakh in cash and subsequently upon asking of Pardeep Saini (petitioner) he paid another amount of Rs.1 lakh to Sonu Gill resident of Amritsar. It is alleged that despite having taken the said amount, no job was secured for complainant's son and later when the complainant asked the petitioner to return the amount even the amount was not returned.

3. Learned counsel for the petitioner has submitted that the petitioner is a handicapped person having permanent disability to the extent of 100% inasmuch as both of his legs have been amputated. Learned counsel in this regard refers to the disability certificate annexed with the petition as Annexure P-2.
4. Learned counsel has further submitted that in fact he has been falsely implicated at the behest of the complainant due to rivalry in the village as the petitioner happens to be *Lambardar* of the village and had accompanied the complainant when the complainant went to handover the amount to Sonu Gill.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner is specifically named in the FIR and there are categoric allegations against him, no case for grant of anticipatory bail is made out. Learned State counsel has however, informed that pursuant to interim directions, the petitioner has joined investigation and that he is not wanted in any other case.

6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner is a handicapped person and has already joined investigation and enjoys a clean record, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.1.2021 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.

14.9.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No