

Gurjivan Singh and another
Vs.

.....Petitioners

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Vipin Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate,
for the petitioners.

Mr. Sidakmeet Singh Sandhu, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 28.01.2021, the following order had been passed by this court
(co-ordinate bench):-

“Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.79 dated 11.05.2017 under Sections 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 registered at Police Station City Rupnagar, District Rupnagar, Punjab.

Learned senior counsel appearing on behalf of the petitioners contends that it is infact petitioner No.1 who has been duped of `10.00 Lakhs and his share by the complainant in the stone crushing business and as such the petitioners are the victims of a fraud committed by the complainant. In support thereof, he has referred to a loan agreement dated 20.02.2014 (Annexure P-3) wherein it is reflected that petitioner No.1 had taken a loan of `10.00 Lakhs from petitioner No.2 and thereafter given to Charan Kamaljit Singh who is the son of the complainant and was to partner him in the aforementioned stone crushing business to the extent of 50% share.

Learned senior counsel further contends that just after three months of being in the business, the complainant's son ran away after duping the amount which had been invested in the said business for which the petitioner No.1 had also lodged FIR No. 59 dated 07.04.2015 under Sections 420, 506, 120-B of the Indian Penal Code, 1860 at Police Station City Rupnagar, District Rupnagar (Annexure P-2) against him.

He further contends that even though the FIR was lodged, however, the investigating agency rejected the loan agreement dated 20.02.2014 (Annexure P-3) as being forged document and registered the instant FIR against the petitioners.

He further submits that as far as petitioner No.2 is concerned, he is not the beneficiary and his role is similar to that of the co-accused namely; Harsimran Singh and Harpreet Singh who have since been extended the concession of anticipatory bail by the co-ordinate bench of this Court vide order dated 25.09.2020 (Annexure P-5).

Notice of motion.

On the asking of Court, Mr. H.S. Multani, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

Heard.

Having considered the prayer and submissions made by learned senior counsel for the petitioners, instant petition is hereby dismissed *qua* petitioner No.1. However, petitioner No.2 (Sukhwinder Kumar) is directed to join the investigation as and when required by the investigating officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.

Adjourned to 12.05.2021.”

Thus, the petition having been dismissed *qua* petitioner no.1, learned State counsel, on instructions, submits that petitioner no.2 had joined investigation in February, 2021, itself and that presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous *qua* petitioner no.2 and is disposed of as such.

However, if the said petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

September, 01 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO