

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

CRM-M-3194-2021 (O&M)
Date of Decision:- 10.8.2021

Gurpreet Singh

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ferry Sofat, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Des Raj.

(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.228, dated 25.12.2020, Police Station Kalanaur, District Gurdaspur, under Sections 420, 120-B IPC.
2. At the time of issuance of notice of motion on 2.3.2021 the following order was passed:

“Learned counsel for the petitioner submits that a false FIR has been lodged against him wherein

allegations against him are to the effect that the complainant had invested an amount of ₹2,48,400/- on 7.11.2018 and another amount of ₹2,48,400/- on 3.12.2018 pursuant to representation made by him to the effect that the same would fetch handsome returns. It has been submitted that in fact the complainant had been investing in M/s Garvit Innovative Promoters Limited much prior to the aforesaid dates and thus it cannot be said that it was on the basis of any representation made by the petitioner that he had invested the amount. Learned counsel in this regard has drawn the attention of this Court to para No.10 of the petition where various transactions prior to November, 2018 have been mentioned and has also referred to a statement of account in respect of bank account of the complainant.

Since the said statement of account is not very legible, the State counsel to get the same verified through Investigating Officer and to furnish information before this Court specifically to the effect as to whether there was any transaction between the complainant and M/s Garvit Innovative Promoters Limited even before November, 2018.

List on 06.07.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety **bonds** to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Pursuant to the directions issued by this Court on 2.3.2021, learned State counsel has filed reply. Para No.5 of the reply reads as follows:

“That it is humbly submitted that in compliance of order ASI Desh Raj, Investigating Officer to verify any transaction between the complainant and M/s Gavit Innovative Promoters Limited even before November, 2018. During the verification, Total amount of Rs.1,99,885/- was transaction from M/s Gavit Innovative Promoters Limited to the account of complainant before November-2018.”

4. The aforesaid para No.5 would indicate that there indeed have been monetary transactions between the complainant and the accused even prior to November, 2018 and in fact the accused had transferred amounts in the account of the complainant, which could even suggest that it is a case arising out of some monetary transactions amongst the parties. In any case, since the petitioner is already stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 2.3.2021 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.

10.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No