

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211-A

CRM-M-8441 of 2021 (O&M)

Date of decision:10.09.2021

Balbir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit Malik, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Krishan Sehajpal, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.9855 of 2021

Counsel for the applicant-petitioner seeks and is granted
permission to withdraw the application.

Dismissed as withdrawn.

CRM-M-8441 of 2021

Through the instant petition, the petitioner seeks anticipatory
bail in case FIR No.191 dated 09.09.2019 registered under Sections 406,
420 of Indian Penal Code, 1860 and Section 13 of Punjab Travel

Professionals (Regulation) Act, 2014 at Police Station Phase-I, Mohali (Annexure P-1).

While granting interim protection to the petitioner on 16.03.2021, this Court passed the following order:-

“Learned counsel for the petitioner submits that the petitioner herein has been falsely implicated in the instant FIR. It is submitted that in fact the petitioner did not cheat the complainant and rather had helped the complainant to send her son abroad. Moreover, there is unexplained delay of 2 years and 2 months in lodging the complaint dated 28.11.2018 and thereafter there is further delay of 10 months in registration of the instant FIR by the police after receipt of the complaint dated 28.11.2018.

Notice of motion.

*Ms. Bhavna Gupta, DAG, Punjab and Mr. Krishan Sahajpal, Advocate, who are present through the medium of video conferencing, accept notice on behalf of the respondent—State as well as the complainant respectively. They vehemently oppose grant of anticipatory bail to the petitioner on the ground that the petitioner has already been declared as proclaimed offender vide order dated 7.3.2020 passed by the Judicial Magistrate Ist Class, Chandigarh, in a case registered under Section 138 of the Negotiable Instruments Act titled as **Ashish Kumar Vs. Balbir Singh** and apart from that there are*

several other cases pending against the petitioner.

Faced with the situation, learned counsel for the petitioner submits that in order to show his bonafide, the petitioner is ready to deposit a sum of ₹11 lakhs and seeks some time to make the said payment.

Adjourned to 24.5.2021.

In view of the above submissions, the petitioner is directed to deposit a sum of ₹11 lakhs by way of Demand Draft in the name of the complainant with the Investigating Officer by Monday i.e. 22.3.2021. On his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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. However, it is directed that the demand draft so deposited by the petitioner shall not be released to the complainant and the same shall be deposited in a FDR (in the name of the complainant) in a nationalized bank, and appropriate order regarding disbursal of the amount shall be passed by the trial court at the time of passing of the final order.”

Time to deposit the bank draft was extended by this Court, vide order dated 01.07.2021 on an application moved by the petitioner.

Upon instructions from SI Sukhwant Singh, State counsel submits that bank draft of Rs.11.00 lacs drawn in the name of the complainant has been deposited with the Investigating Officer. As per his instructions, the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to submit that the petitioner is involved in another criminal case in which he has been granted anticipatory bail.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 16.03.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

September 10, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No