

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

209

CRM-M-12523-2021 (O&M)

Date of Decision: 23.11.2021

Nitish Behal

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Fariad Singh Virk, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Harjinder Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-9852-2021

For the reasons mentioned in the application, the same is allowed
and the complainant, namely, Malkinder Singh son of Jaswant
Singh is ordered to be impleaded as respondent No.2

Amended memo of parties is taken on record.

CRM-M-12523-2021

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.77 dated 15.03.2017 at Police Station Division - A, Police Commissionerate, Amritsar, under Sections 420 & 120-B IPC.
2. At the time of issuance of notice of motion, the following order was passed 18.03.2021:

“Learned counsel for the petitioner submits that while allegations
have been levelled by the complainant to the effect that the

accused had defrauded him of an amount of Rs.12,50,000/-, but in fact the matter had been amicably resolved amongst the parties and an amount of Rs.7 lakhs was received by the complainant, as would be evident from the affidavit dated 06.06.2017 (Annexure P-3), which had been tendered by the complainant himself before the trial Court at the time of a bail application filed by co-accused. It has further been submitted that the complainant as of now has turned greedy and has resiled from the compromise.

Notice of motion for 27.07.2021.

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.

Meanwhile, the petitioner is directed to implead the complainant as a party/respondent within one week from today. Upon amended memo of parties being filed, the Registry shall issue notice to the complainant as well for the date fixed.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and is stated to be having a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 18.03.2021 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.

23.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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