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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.19145 of 2021 (O&M)
Decided on: 17.11.2021

Lovish Sharma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Narender Pal Bhardwaj, Advocate
with Ms. Kajal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 144 dated 16.09.2020, registered under Sections 406, 420 of the IPC and Section 13 of the Punjab Travels Professional Regulation Act, 2014 at Police Station Maqsudan, District Jalandhar.

The operative part of the order dated 17.05.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that petitioner is a practicing lawyer and is a friend of the complainant, who was interested in settling abroad.

Learned counsel further submits that the entire allegations in the FIR are that petitioner talked with complainant for obtaining work permit of Ukraine and in

that process, the complainant had paid some amount in cash and some amount by way of bank transactions i.e. a total of Rs. 7,80,000/-.

Learned counsel further submits that an amount of Rs. 80,000/-, which was transferred in the account of petitioner, has already been returned to complainant.

Learned counsel further submits that complainant, thereafter, went to Ukraine and was deported as he could not produce the requisite amount required for the purpose of his stay, fees etc.

Learned counsel for the petitioner relies upon certain Email inquiries between DSP, who was conducting the inquiry, and authorities in the Ukraine, wherein it has been stated that complainant got deported due to his own irresponsible behavior-concealment of funds and once, he got deported, still he was having 64 days to return to Ukraine to study.

Learned counsel further submits that initially the petitioner was granted concession interim anticipatory bail, vide order dated 13.10.2020 by the Additional Sessions Judge by passing a detailed order and the said interim protection was extended from time to time on the request of the public prosecutor and the Investigating Officer that some clarification was required whether Visa was genuine or not and the reasons for deporting the complainant. Later on, in one of the order, it was noticed that by the Additional Sessions Judge that complainant was holding a valid Visa, however, after a lapse of six months, now the anticipatory bail application has been dismissed primarily on the ground that petitioner has refused to pay back the amount.

Learned counsel for the petitioner further submits that it is well settled principles of law that it is not for the police to act as a recovery agent.

Notice of motion....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 17.05.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Manjeet Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Counsel for the complainant has, however, argued that the allegations against the petitioner are serious in nature.

Be whatsoever, considering the fact that the petitioner has joined the investigation, this petition is allowed and the interim bail granted to the petitioner vide order dated 17.05.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

17.11.2021
yakub

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