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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20110--2021
Date of decision-06.10.2021

SACHIN AGGARWAL

...Petitioner

Vs.

STATE OF PUNJAB AND ANR

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.211 dated 20.10.2020, under Section 420 Indian Penal Code, 1860, registered at Police Station Mahilpur, District Hoshiarpur, Punjab. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 20.05.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal

Procedure, 1973 for grant of anticipatory bail in case FIR No.211 dated 20.10.2020 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Mahilpur, District Hoshiarpur.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was also an aspirant of going abroad and was cheated by Davinder Singh and Preet. The petitioner made complaint dated 09.09.2020 against them to the Senior Superintendent of Police, Hoshiarpur but no action has been taken on the same. The petitioner is alleged to have received amount of Rs.96,000/- from the complainant and the petitioner is ready to pay the same to the complainant in instalments. The petitioner will pay amount of Rs.30,000/- to the complainant within one month. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 30.06.2021.

In view of the facts and circumstances of the case, I consider presence of the complainant to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be impleaded as respondent No.2. Memo of parties be amended accordingly.

Notice to newly added respondent No.2 be issued for the date fixed and be also given dasti, if so desired. Process fee be filed by the petitioner within seven days.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall pay the amount of Rs.30,000/- to the complainant by way of account payee demand draft within one month as undertaken by him through his Counsel in the present case. The petitioner shall also comply with the conditions enumerated under Section 438(2) of the Cr.P.C. In case of non-compliance with the above said conditions and non-payment of the above said amount as undertaken, the petitioner shall not be

entitled to the protection of interim anticipatory bail allowed to him.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer. He states that remaining amount of Rs.66,000/- has also been paid by petitioner to complainant and has produced the copies of demand drafts.

Learned State counsel, who is assisted by SI Gurnam Singh does not dispute this fact and further states that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 20.05.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

06.10.2021

Vipin kumar

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No