

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

CRM-M-23094-2021 (O&M)

Date of Decision:- 16.9.2021

Hans Raj and another

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chetan Bansal, Advocate, for the petitioners.

Mr. Karambir Singh, AAG, Punjab,
assisted by ASI Jaswinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 135, dated 22.5.2021, Police Station City Nawanshahar, SBS Nagar, under Sections 406 and 420 IPC, wherein the complainant has alleged that the petitioners had duped him of an amount of Rs.2.42 lakhs on the pretext of sending complainant's son abroad.
2. At the time of issuance of notice of motion on 15.6.2021 the following order was passed:

“Learned counsel for the petitioners states that the petitioners are ready and willing to pay off the amount due, which is ₹2,42,000/-. He further states that the

petitioners are ready and willing to pay an amount of ₹1,00,000/- to the complainant within a period of one week and seeks 45 days thereafter for paying of remaining amount of ₹1,42,000/-.

Notice of motion.

On the asking of the Court, Mr. S.P.S. Tinna, Additional Advocate General, Punjab, accepts notice.

Let the petitioner join the investigation and on their doing so, they be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

₹1,00,000/- be paid by the petitioners within a period of one week to the complainant. Petitioner shall also ensure that the complainant is impleaded as a party.

List on 03.08.2021.”

3. Learned counsel has submitted that pursuant to the aforesaid direction, they had earlier paid an amount of Rs.1 lakh as has also been noticed in order dated 3.8.2021 and that as of now they have paid the balance amount of Rs.1.42 lakhs to the complainant as well.
4. The aforestated submission regarding deposit of amount is not disputed by the learned State counsel. It has also been informed by the learned State counsel that the petitioners have since joined

investigation and are not required for any custodial interrogation and that they are not required in any other case.

5. Having regard to the aforesaid factual position wherein the entire amount is stated to have been paid and the petitioners have joined investigation, their custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 15.6.2021 are hereby made absolute subject to the condition that the petitioners 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.

16.9.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No