

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

201-2

CRM-M-24431-2020

Date of decision: 21.01.2021

Baljit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for respondent No.1-State.

Respondent No.2/complainant did not appear
despite service.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.71 dated 26.04.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Lohian, District Jalandhar Rural.

While issuing notice of motion on 26.08.2020, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"Learned counsel for the petitioner inter-alia contends that the petitioner is an agriculturist and not a travel agent; there is an unexplained delay of over three years in lodging of the FIR; the complainant's son namely

Malkit Singh had already executed a receipt with regard to return of money to him and now his father has lodged the present FIR only to extract more money from the petitioner; for the last over a year the petitioner has not only joined the investigation but has also fully cooperated with the investigating agency and that the co-accused Sukhvir Singh has already been granted interim bail by this Court vide order dated 30.07.2020 passed in CRM-M-21074-2020 Sukhvir Singh vs. State of Punjab.

Notice of motion.

Mr.J.S.Ghumman, DAG Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 21.09.2020.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.71, dated 26.04.2020, registered under Sections 406, 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Lohian, District Jalandhar Rural, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

To be heard alongwith CRM-M-21074-2020 Sukhvir Singh vs. State of Punjab."

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

Notice of the petition was also given to respondent No.2/complainant who did not appear despite service.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made on 26.08.2020, submitted that in compliance with order dated 26.08.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail.

Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Balwinder Singh, acknowledged that in compliance with order dated 26.08.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 26.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

21.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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