

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

210

**CRM-M-30774 of 2021  
Date of Decision:13.12.2021**

**Gagandeep Singh and another**

**..... Petitioners**

**Versus**

**State of Punjab and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Amit Choudhary, Advocate, for the petitioner.  
Mr. M.S. Nagra, AAG, Punjab  
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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

On 14.09.2021 the following order had been passed in this case by  
this court:-

“Case heard via video conferencing.

By this petition, the petitioners seek the concession of anticipatory bail, upon FIR no.41, dated 1.3.2019, having been registered at Police Station Bhawanigarh, District Sangrur, alleging therein the commission of offences punishable under Sections 120-B/420 of the IPC (with Sections 465/467/468/471 of the IPC having been added later).

This, in fact, is the second such petition filed by the petitioners, the first one being CRM-M no.18379 of 2021, which was eventually dismissed on 8.7.2021, essentially on the ground that despite this court having impleaded the complainant in the FIR as respondent no. 2 in that petition, and despite two opportunities granted to counsel for the petitioners to deposit process fee to ensure service of the notice issued to the said respondent, such process fee was not deposited.

Thereafter, upon this petition having been filed, with the

petitioners having impleaded the two persons (from whom separate complaints have been received by the police, leading to the registration of the FIR in question), as respondents no. 2 and 3, and upon notice having been issued in this petition on 4.8.2021 (with no interim order operating in favour of the petitioners), the report of the Registry on the next date of hearing, i.e. 8.9.2021, was to the effect that both the respondents stood served of such notices but with none having appeared for them, possibly because it was past 4:00 pm by the time the turn of the case came up on that date.

Consequently hearing in the matter had been adjourned till today, with the matter ordered to be shown in the urgent motion list.

Today again however, none appears for respondents no.2 and 3.

Mr. Choudhary, learned counsel for the petitioners, reiterates that though in all a sum of Rs. 2.98 lakhs was deposited by the complainants in the accounts of the petitioners (husband and wife separately), the prime accused in the matter, i.e. Nirbhai Singh, has executed an affidavit dated 8.7.2020 (Annexure P-2), stating to the effect that though the said money had been transferred to the accounts of the petitioners, it was 'withdrawn' by Nirbhai Singh from their accounts and that he had received and spent the entire amount.

A reply to the petition, dated 6.9.2021, has also been filed by the DSP, Bhawanigarh, which is ordered to be taken on record.

The said reply simply states that an amount of Rs.3.47 lakhs was deposited in the accounts of the petitioners and therefore they are very much complicit in the commission of the offence.

Whereas that may be so, learned counsel for the petitioners however submits that the petitioners are only labourers who live in the same village as Nirbhai Singh and they are simply doing his bidding, with them not having taken any amount from Nirbhai Singh.

Adjourned to 1.11.2021.

In the meanwhile, the petitioners are directed to join investigation within one week and upon them so joining if they are

sought to be arrested, they shall be released on bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

They shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioners in investigation, they would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join them in investigation, in terms of the order of this court.

A short affidavit be filed by a gazetted officer by the next date of hearing, stating therein clearly as to whether, as per investigation conducted, the petitioners are found to be labourers, or are engaged in some other profession, also obviously stating as to whether they have joined investigation or not.

If such an affidavit is not filed, the SSP, Sangrur, shall be summoned to court.”

Finally, an affidavit dated 01.12.2021 has been filed by the DSP, Bhawanigarh, which is ordered to be taken on record.

As per the said affidavit, the petitioners have actually been found to be labourers working in village Khosa Randhir, Tehsil Dharamkot, District Moga.

That being so, without making any comment on the actual merits of the case, the petition is allowed and the order passed on 14.09.2021 is made absolute on the same terms and conditions.

**December 13, 2021**

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**(AMOL RATTAN SINGH)**

**JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No