

CRM-M-33240-2021

Date of Decision : 01.09.2021

Surjit Singh

...Petitioner

versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Gursimran Singh Madaan, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 91 dated 11.04.2021, registered under Sections 420, 468, 471 and 120-B IPC at Police Station Jandiala, Amritsar.

3. On 17.08.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.91 dated 11.04.2021, registered under Sections 420, 468, 471 and 120-B IPC at Police Station Jandiala, Amritsar.

Learned counsel contends that the petitioner's family and the complainant's family are known to each other and the petitioner's daughter-in-law had given a sum of Rs.4,35,000/- through RTGS to Gurpreet Kaur-sister of complainant on 21.12.2019 but when the complainant's sister did not return the money to the

petitioner's daughter-in-law, the petitioner filed a complaint against Gurpreet Kaur on which no action was taken by the Commissioner of Police, Amritsar, whereafter, a criminal complaint was filed against the complainant's sister etc. on 26.06.2020 by the petitioner which is pending in the Court of the learned Judicial Magistrate First Class, Amritsar. Learned counsel contends that the petitioner's daughter-in-law also served a legal notice on 04.07.2020 on Gurpreet Kaur and her brother i.e. complainant for return of the money lent by her, whereafter, the complainant, as a counter-blast got registered a FIR, alleging having paid Rs.14 lacs to one Vishal Patel known to the petitioner's family for arranging visa for him and his wife for Australia and also booked tickets for himself and his wife costing Rs.2,13,994/- and alleging that on account of false visa having been given to him and his wife, he incurred loss of Rs.65,332/- on account of forfeiture of ticket money and further alleging that the petitioner and his family in connivance with Vishal Patel had defrauded the complainant on the pretext of sending him to Australia.

Learned counsel further contends that the petitioner has been implicated in a false case as a counter-blast to the complaint made by the petitioner to the Commissioner of Police, Amritsar and, thereafter, filing of complaint against Gurpreet Kaur and her brother i.e. the complainant to return the money lent by the petitioner's daughter-in-law as well as on account of issuance of legal notice to them by the petitioner's daughter -in-law. Learned Counsel further contends that the petitioner has no previous criminal record, besides is ready and willing to join investigation. Learned counsel further relies upon order dated 09.07.2021 in CRM-M

No.25934 of 2021, wherein pre-arrest bail was granted to similarly situated daughter-in-law of the petitioner, and the same was subsequently confirmed.

Notice of motion.

Mr. Sukhbeer Singh, learned Assistant Advocate General, Punjab, accepts notice on behalf of the respondent and on instructions from SI Tarsem Singh confirms the factual position as noted above but requests for time to file reply.

Adjourned to 01.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner is directed to be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions contained in Section 438(2) Cr.P.C., failing which, the interim protection granted to him shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from ASI Tarsem Singh confirms that pursuant to the order of this Court dated 17.08.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 17.08.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

01.09.2021

“Rajneesh/Amit”

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)
Judge