

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-28326-2021 in/and
CRM-M-34238-2021
Date of Decision : 22.11.2021

Kuldeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral

CRM-28326-2021

As prayed for, application is allowed.

Annexure P-7 is taken on record.

CRM-M-34238-2021

Petitioner is seeking anticipatory bail in FIR No.78 dated 11.06.2021 registered under Sections 420 & 120-B of the IPC at Police Station Division No.1, Pathankot, District Pathankot.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by this Court on 06.09.2021. Order dated 06.09.2021 is as under:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.78 dated 11.06.2021 registered under Sections 420 & 120-B of IPC at Police Station City Division No.1, Pathankot, District Pathankot.

Learned counsel for the petitioner argues that the only allegation against the petitioner is that the petitioner got facilitation of the loan, alleged to have been taken by the complainant in lieu of the property, which was to be purchased from one Gurmeet Kaur. Leaned counsel submits that the complainant is raising a grievance that even after the deposit of the loan amount in the account of Gurmeet Kaur, she has not been able to get the property and even the loan stands in her name and, therefore, she has been cheated. Learned counsel submits that the petitioner has not been benefited in any manner even if the allegations alleged in the FIR are correct as there is no allegation that the petitioner has taken any money from the loan amounting to Rs.23,98,581/- and the petitioner is ready to co-operate with the investigation after joining the same.

Notice of motion.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the State submits that the allegation alleged by the complainant is that she wanted to purchase the property from Gurmeet Kaur and keeping in view the agreement entered for purchasing the property, the loan amount was straightway to be transferred into the account of the seller. The complainant, as of now, has not got the property and has also been burdened with the loan money, which shows that she has been defrauded.

Learned counsel for the respondent concedes that as of now nothing has come on record that any of amount out of the sanctioned loan, was ever paid to the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the allegation against the petitioner that he was only a facilitator of loan, which loan amount was straightway transferred in the account of Gurmeet Kaur in lieu of the property concerned, hence the the purpose of investigation can be achieved in case the petitioner is directed to join the investigation as he has undertaken to cooperate with the investigation.

Petitioner is directed to join the investigation

forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

iii) That he shall not leave India without prior permission of the Court.

iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C

Adjourned to 22.11.2021

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from S.I. Emanuel, states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, order dated 06.09.2021 passed by this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 22, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No