

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

206-A

CRM-M-29719-2020

Date of decision: 19.01.2021

Sarabjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sukhdeep Singh Bhinder, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. Navkesh Singh Goraya, Advocate
for the complainant.

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. 194 dated 05.11.2019 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 at Police Station Division No. 3, District Ludhiana.

While issuing notice of motion on 28.09.2020, 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:-

"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.194 dated 05.11.2019 registered under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 at Police Station Division No. 3, District Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated by the police in the criminal case under the political influence to extract money from him and ruin his legal business. The petitioner is doing marketing of the branded products of Multi National Companies through e-marketing. The complainant and some other persons wanted points earned to be encashed in terms of currency which is not allowed by the petitioners Company. The complainant under pretext of products being costly refused to do shopping on company portal violating terms and conditions of company, which is not permissible. There is no cheating or fraud by the company rather the complainant by lodging FIR is mounting pressure on petitioner and his co-accused to give cash to him in lieu of points earned by generating I.D's on the petitioner's company. There is no violation of RBI guidelines by the petitioner's company. Offences under Sections 420 and 406 of the IPC and Section 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 are not made out. Any dispute between the parties would be subject to Arbitration. Co-accused Baljinder Singh has already been granted interim anticipatory bail by this Court vide order dated 18.09.2020. The petitioner is ready to join the investigation and also agrees to reference of the matter for mediation.

Notice of motion.

Pursuant to supply of advance copy of the

petitioner, Mr.Pawan Sharda, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. Navkesh Singh Goraya, Advocate has appeared and accepted notice on behalf of the complainant and undertakes to file his power of attorney in the Registry.

Learned State Counsel and learned Counsel for the complainant seek time to file reply.

Adjourned to 04.11.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him."

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

The petition has also been opposed by the complainant in terms of reply filed by the complainant.

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

Learned Counsel for the petitioner has, while reiterating submissions made on 28.09.2020, submitted that in compliance with order dated 28.09.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel and learned Counsel for the complainant have 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 Krishan Lal, acknowledged that in compliance with order dated 28.09.2020 passed by 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 28.09.2020 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.

19.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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