

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-36317-2021

Date of Decision : November 25, 2021

Gurmail Singh

..Petitioner

Versus

State of Punjab

..Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.95 dated 29.07.2021 under Sections 420, 406 & 120-B of IPC registered at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 03.09.2021. Order dated 03.09.2021 is as under:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.95 dated 29.07.2021 under Sections 420, 406 & 120-B of IPC registered at Police Station City Dhuri, District Sangrur.

Learned counsel for the petitioner argues that the dispute is only between the partner, namely, Amit Kumar and complainant Baljeet Kaur is the member of the said society,

which has been created by the Company. Learned counsel further submits that the only allegation against the petitioner is that he lured the complainants to pay some money to avail free gifts and alleged payments by the complainants have been given to the petitioner in cash and nothing has come on record to substantiate the said allegation. Learned counsel submits that the petitioner is ready to cooperate with the investigation after joining the same.

Notice of motion.

Mr. Dhruv Dayal, Senior 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 petitioner submits that the allegation is that the petitioner was defrauding the innocent citizens though the allegation of the petitioner that the complainants are also their partners is yet to be established during the investigation.

Learned counsel further submits that in case he is granted the benefit of anticipatory bail, he will not do any work as being alleged in the present petition with regard to purchasing of domestic items and providing gifts.

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

Keeping in view the facts and circumstances of the case, 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. The petitioner himself has undertaken not to execute the work which the company intended to do, in case the petitioner is granted the benefit of anticipatory bail.

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 25.11.2021.

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 ASI Sukhjinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 03.09.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 25, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No