

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-37517 of 2021

Date of Decision : 23.11.2021

Balwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jitender Singh Dadwal, 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. 216 dated 31.12.2020, registered under Sections 420 and 120-B IPC and Section 24 of the Immigration Act, at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 10.09.2021 and has submitted a draft of Rs.50,000/- to the complainant. Order dated 10.09.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.216 dated 31.12.2020, registered under Sections 420 and 120-B IPC and Section 24 of the Immigration Act, at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner submits that the allegations against the petitioner are that he had taken Rs.50,000/- from each of the complainants for sending them abroad, but despite the payment of the said money, they were not sent abroad and as per the complainant, the complainants

were defrauded by the petitioner.

Learned counsel for the petitioner argues that the petitioner has already returned Rs.50,000/- to one of the complainant, namely, Happy Singh and he is ready to pay Rs.50,000/- to complainant-Sukhvir Pal Singh so as to settle the dispute and to show his bona-fide, in case petitioner is granted the benefit of anticipatory bail, he will give a demand draft of Rs.50,000/- in the name of complainant Sukhvir Pal Singh, at the time of joining the investigation itself.

Notice of motion for 23.11.2021.

Mr. Sandeep 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 State counsel submits that in case the petitioner has undertaken to pay the disputed amount, he be directed to join the investigation and cooperate.

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

Keeping in view the fact that the petitioner had already paid a sum of Rs.50,000/- to one of the complainant, namely, Happy Singh and has undertaken to pay the disputed amount of Rs.50,000/- to complainant, namely, Sukhvir Pal Singh by way of a demand draft at the time of joining the investigation, no useful purpose will serve in sending petitioner into custody for custodial interrogation.

Hence, the 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 the satisfaction of the Arresting Officer/Investigating Officer 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.*

It is made clear that the present interim bail will be subject to the payment of Rs.50,000/- to complainant Sukhvir Pal Singh, as undertaken by the petitioner today.”

Learned State counsel on instructions from ASI Baljeet Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 10.09.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No