

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM No. M-37578 of 2021
Date of Decision : 24.11.2021

Kapil Bhatia

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vaibhav Sehgal, Advocate for the petitioner.

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

Mr. Ferry Sofat, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 195 dated 28.07.2021, registered under Section 420 IPC, at Police Station Sarabha Nagar, 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. Order dated 10.09.2021 is as under:-

“CRM-29127-2021

Present application has been filed for placing on record accompanying documents as Annexures P-1 to P-8.

Application is allowed, as prayed for.

Accompanied documents (Annexures P-1 to P-8) are taken on record.

CRM-M-37578-2021

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.195 dated 28.07.2021, registered under Section 420 IPC, at Police Station Sarabha Nagar, District Ludhiana.

Learned counsel for the petitioner submits that as per the account maintained by the petitioner, a sum of Rs.15,00,000/- is to be paid back by the petitioner to the complainant and the petitioner is disputing the amount of Rs.6,64,500/-. Learned counsel for the petitioner further submits that if the complainant is able to satisfy the investigating officer or this Court, even in respect of the disputed amount, the petitioner undertakes to pay the same. Learned counsel for the petitioner submits that a demand draft in the name of the complainant amounting to Rs.15 lakhs will be handed over to the investigating officer for onwards transmission of the same to the complainant on the date when the petitioner is allowed to join the investigation in case he is granted the benefit of anticipatory bail.

Notice of motion for 24.11.2021.

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 undertakes to pay the amount in question, 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.

As the learned counsel for the petitioner has undertaken that out of a sum of Rs.21,64,500/-, the petitioner will submit a demand draft of Rs.15,00,000/- in the name of the complainant on the date when he joins the investigation for onwards

transmission of the same to the complainant and the remaining amount of Rs.6,64,500/-, which is being disputed, will also be paid in case the complainant substantiate the said claim either before the investigating officer or this Court, the petitioner has made out a case for the grant of anticipatory bail.

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.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Avtar 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 24, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No