

CRM-M-34231-2020 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-34231-2020 (O&M).
Decided on: January 19, 2021.**

Baldev Raj

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Vikas Bali, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.136 dated 26.08.2020, under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Maqsudan, District Jalandhar.

As per the FIR, a complaint was lodged against the petitioner and his wife that they had promised the complainant that his son would be facilitated for immigration to United States of America and in lieu

CRM-M-34231-2020 (O&M)

of the same, they had received Rs.12 lacs.

It is the case of the petitioner that during investigation, the wife of the petitioner has already been declared as innocent by the police and so far as money of Rs.4 lacs which was allegedly transferred to the petitioner, is concerned, the same was, in fact, pertaining to a loan amount because the complainant is a money lender and in fact a false case has been registered against the petitioner.

Notice of motion was issued in the present case on 28.10.2020 and interim protection was granted to the petitioner subject to his joining investigation and complying with the conditions under Section 438 (2) Cr.P.C.

On 24.11.2020, the State had sought time to seek instructions as to whether the petitioner is involved in any other case or not.

On 1.12.2020, the learned State counsel, on instructions from SI Raghbir Singh, had submitted that the petitioner is not involved in any other case. However, the learned counsel for the complainant had sought time to produce certain documents to show that the petitioner is a travel agent and had duped the complainant.

Today, no one has caused appearance on behalf of the complainant despite the matter passed over twice. The State has already taken up the Stand that the petitioner is not involved in any other case.

I have heard the learned counsel for the parties.

The allegation in the FIR is pertaining to duping of complainant of Rs.4 lacs in order to send son of the complainant abroad.

CRM-M-34231-2020 (O&M)

Learned State counsel has taken the stand that the petitioner is not involved in any other case of such kind and therefore, it cannot be said, at this stage, that the petitioner is a travel agent. The complainant despite making the statement that he wishes to produce on record certain documents to this effect has absented himself during the course of proceedings today.

In the circumstances of the case, only objection which has been raised by the learned State counsel is with regard to the fact that amount of Rs.4 lacs is yet to be recovered. However, this Court while dealing with the application for anticipatory bail is to see that in case the petitioner is released on bail whether he can prejudicially affect the investigation process or flee from justice or not.

So far as recovery of the amount in question is concerned, the same cannot be a ground for denial of bail to the petitioner. It is not the case of the State that in case the petitioner is granted anticipatory bail, the same may prejudice the investigation process or he would flee from justice.

Therefore, considering the totality of the circumstances of the present case, the present petition is allowed and order dated 28.10.2020, is hereby made absolute.

January 19, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No