

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-35848 of 2020
Date of Decision : 21.01.2021

Deepak Khosla

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sanjeev Duggal, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. D.A.G., Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 94 dated 11.07.2020, under Section 420 of IPC, registered at Police Station Satnampura, Phagwara, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 09.11.2020. Order dated 09.11.2020 is as under:-

“Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 94 dated 11.07.2020, under Section 420 of IPC, registered at Police Station Satnampura, Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that the

petitioner has wrongly been roped in the present FIR. Learned counsel for the petitioner further submits that even in the FIR, the complaint is against two persons, namely, Gopal Duggal son of Mohan Lal Duggal and Anoop Duggal son of Gopal Duggal. Learned counsel further submits that not even a single allegation against the petitioner has been made in the FIR qua any payment, alleged to have been made to him or even an allegation that any payment to the other two accused, was made in his presence. Learned counsel for the petitioner submits that the only allegation against the petitioner is that the two accused introduced themselves to the complainant by referring the petitioner as the petitioner is known to both the complainant as well as to the accused.

Learned counsel for the petitioner submits that once, admittedly the payments were not made to the petitioner, the custodial interrogation of the petitioner is not necessary as the petitioner is willing to join and cooperate in the investigation, he may be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 and Mr. Nitin Mittoo, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel submits that after the registration of the FIR, the investigation was done and the two accused against whom the complaint was made by the complainant, namely, Gopal Duggal and Anoop Duggal, could not be associated in the investigation as Gopal Duggal died prior to the registration of the FIR and Anoop Duggal is not in the Country and is living in America prior to the registration of the FIR on 11.07.2020.

Learned State counsel concedes that nothing is to be recovered from the petitioner and the custodial interrogation of

the petitioner is not necessary in case, he joins and cooperates in the investigation.

Learned counsel appearing on behalf of the complainant concedes that the complaint made by the complainant was against Gopal Duggal and Anoop Duggal only. Further, the complainant concedes that there is no allegations in the FIR, wherein, any amount was paid by the complainant to the petitioner for any purpose. Learned counsel for the complainant submits that as the complainant is known to both the parties and the accused persons had got themselves introduced by giving the reference of the petitioner, hence petitioner is equally responsible as the other two accused. Learned counsel for the complainant further submits that as per the complainant, a sum of Rs. 17,000/- was paid to the petitioner by the complainant though, the said allegation does not find mention in the FIR.

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

Once, it is conceded that the allegations mentioned in the FIR are against the co-accused Gopal Duggal and Anoop Duggal with regard to the payment of money and no allegation exist to the said effect qua the petitioner and the State has conceded that the custodial interrogation of the petitioner is not necessary in case the petitioner joins and cooperates in the investigation, the petitioner has made out a case for the grant of anticipatory bail as he has undertaken to join the investigation and cooperate.

Keeping in view the aforesaid facts, the petitioner is directed to join the investigation and cooperate with the police.

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 themselves 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 20.01.2021.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Parminder 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.

In view of the above, the order dated 09.11.2020 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.

January 21, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No