

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-41870-2021

Date of decision : 24.11.2021

Santokh Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Jasleen Kaur, Advocate
for the petitioners.

Mr.Sarabjit Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.079 dated 06.09.2021 registered under Section 420 IPC at Police Station Valtaha, District Tarn Taran.

On 06.10.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.79 dated 06.09.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Valtaha, District Tarn Taran.

Learned counsel for the petitioners inter alia contends that in fact, even petitioner No.1 has been duped by Joginder Singh Brar inasmuch as an amount of Rs.1,50,000/- was paid by petitioner No.1 to the said Joginder Singh Brar, on the pretext of sending petitioner

No.2 (son of petitioner No.1) abroad and with respect to the same, a complaint dated 01.06.2019 (Annexure P-3) was made to SHO and on the said complaint, a letter was also issued by the Police Station, Valtoha, to the owner of the Hotel to check the record of Joginder Singh Brar as to whether he stayed in the Hotel in the month of May, 2019 or not. It is further submitted that since the said Joginder Singh Brar cannot be traced out, thus, the complainant who is genuinely aggrieved person, roped the present petitioners also in the FIR. It is submitted that the Account Number which has been mentioned in the FIR i.e. 219605000146, does not belong to the petitioners or their relatives and in fact, the same belongs to Joginder Singh Brar. It is further submitted that the petitioners have not been involved in any criminal case.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 24.11.2021.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the State is directed to verify the abovesaid facts, moreso with respect to the account details given in the FIR and also the antecedents of the petitioners.”

Learned counsel for the petitioners has submitted that in

Learned State counsel, on instructions from ASI Gurnam Singh, has submitted that the petitioners have joined the investigation on 17.11.2021 and are not further required in the present case.

Keeping in view the above said facts and circumstances, more so the facts which have been noticed in the order dated 06.10.2021, and also the fact that the petitioners have also joined investigation and are not required for further investigation, the present petition for anticipatory bail is allowed and interim order dated 06.10.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 24, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No