

CRM-M-37569 of 2020
Date of Decision: 05.01.2021

Karpul Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Piyush Khanna, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The preset petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0208, dated 29.10.2020 under Sections 406 and 420 of IPC, 1860 registered at Police Station, Garshankar, District Hoshiarpur.

Learned counsel for the petitioner has submitted that it is a case in which the petitioner has been falsely implicated in the present FIR. He argued that as per the FIR, the complainant had given Rs.5,00,000/- to the petitioner for sending him abroad. However, there is no evidence with regard to the fact as to any money was given to the petitioner because there was no bank transfer etc. of any sought. He further submitted that the petitioner is 72 years of age and is not doing any business of sending people abroad nor he is registered as immigration agent anywhere and he is only running simple shop of utensils and it was only because of enmity between

the petitioner and the complainant that the present FIR has been filed against the petitioner. Learned counsel for the petitioner has categorically submitted that the petitioner is not involved in any other case whatsoever and therefore he has prayed for the grant of anticipatory bail from this Court.

Notice of motion was issued on 12.11.2020 and the petitioner was granted interim protection by this Court.

Today, Mr. Luvinder Sofat, AAG, Punjab, on instructions from SI Subhash Chander has submitted that in pursuance of the order dated 12.11.2020 passed by this Court, the petitioner has already joined the investigation and has fully co-operated with the investigation process and he is not required for custodial investigation. Learned counsel for the State, on instructions has further submitted that they had verified with regard to the fact as to whether the petitioner was involved in any other case and it has been found that the petitioner is not involved in any other case.

Mr. Bhupinder Bangar, Advocate, has caused appearance on behalf of the complainant and has submitted that in the present case out of Rs.5,00,000/-, the petitioner has already paid Rs.30,000/- to the complainant and therefore, it is true that the petitioner had taken some money from the complainant and therefore, has opposed the grant of anticipatory bail to the petitioner on the ground that remaining amount is yet to be recovered.

I have heard the learned counsel for the parties and have perused the record.

It is a case where the allegations are with regard to paying of Rs.5,00,000/- to the petitioner by the complainant on the pretext of sending

him abroad. However, so far as considering the grant of anticipatory bail, it has to be seen by the Court that balance has to be struck between the rights and liberty of an individual and the probability of influencing of any witnesses or tampering with record of any such kind of ground on the other hand.

In the present case, in pursuance of interim protection order dated 12.11.2020 granted by this Court, the petitioner has already joined the investigation and it is the stand of the learned State counsel that his custody is not required for the purpose of interrogation. It is not the case of the State that in case, the petitioner is granted bail, then he may influence any witness or he may tamper with the record. So far as the arguments raised by the learned counsel for the complainant that the remaining amount is yet to be recovered, the same cannot become a ground for denial of anticipatory bail to the petitioner. Consequently, the present petition is allowed. The order dated 12.11.2020, by which the interim protection was granted to the petitioner, is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

January 05, 2021
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No