

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

Sr. No.203

CRM-M-42159-2021

Date of Decision: 03.12.2021

AMIT OBEROI

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(through video conferencing)

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.166 dated 06.09.2021 under Section 420 IPC registered at Police Station City Shahpurkandi, District Pathankot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 07.10.2021.

Order dated 07.10.2021 is as under:-

“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.166 dated 06.09.2021, registered under Section 420 IPC, at Police Station Shahpurkandi, District Pathankot.

Learned counsel for the petitioner argues that the allegations against the petitioner are that he had entered into an agreement for selling a particular property for a sum of Rs.26,20,000/- and an amount of Rs.16,20,000/- in pursuance of the said agreement was paid to him in January, 2018 and thereafter, the complainant came to know that the property in question was mortgaged with the Bank for an amount of Rs.42,00,000/- and

CRM-M-42159-2021 :2:

had also been sold in auction. Learned counsel for the petitioner further argues that the petitioner from the day one was denying the execution of the agreement and the said allegations are to be seen in the light of the fact that the petitioner and the complainant were jointly running the business of property dealing, hence, the question of committing fraud upon the complainant by the petitioner does not arise. Learned counsel for the petitioner further submits that even an amount of Rs.16,20,000/- allegedly paid to the petitioner by the complainant is in dispute as petitioner never received any amount from the complainant and as the petitioner is ready to join the investigation and cooperate, therefore, he be extended the concession of anticipatory bail.

Notice of motion for 03.12.2021.

Mr. Ramdeep Partap Singh, D.A.G., Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that though, the petitioner is denying the execution of the agreement in question, but there are specific allegations against him of receiving Rs.16,20,000/- from the complainant, though, the said amount is stated to have been withdrawn from the Bank but was allegedly given in cash to the petitioner and the custodial interrogation of the petitioner is necessary to find out the said amount.

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

Keeping in view the facts and circumstances noticed herein before, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate especially in view of the fact that the execution of the agreement is being denied and the allegations of the payment of Rs.16,20,000/- is yet to be proved during the investigation.

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

CRM-M-42159-2021 :3:

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 on instructions from ASI Balwinder 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.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 07.10.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate order.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

03.12.2021
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Whether speaking/reasoned	:	Yes
Whether reportable	:	No