

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

**CRM-M-39226-2020
Date of Decision : 28.07.2021**

Gurnaib Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gurbhej Singh, Advocate for
 Mr. Ashish Gupta, Advocate
 for the petitioner

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Satinder Kaur, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petition prays for grant of anticipatory bail in FIR No. 177 dated 26.10.2020, registered under Section 420 of the IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station City Moga, District Moga, Punjab.

On 26.11.2020, the following order was passed :

“Learned counsel for the petitioner has submitted that the petitioner is an agriculturist and is not involved in any kind of activity pertaining to sending persons abroad. He has further submitted that it was due to enmity with the complainant that the said FIR has been lodged in which he has been wrongly roped in. He has further submitted that even FIR itself states that money was paid in cash and the entire FIR is totally vague in nature. As per the FIR the alleged amount was paid about two years ago in the month of November, 2018 and now after two years out of enmity the present

FIR has been lodged. He has submitted that the petitioner is not involved in any other case.

Notice of motion.

On asking of the Court, Ms. Rashmi Attri, Asst.AG, Punjab, accepts notice on behalf of the State and states that she has received the advance copy of the petition and had also sought instructions from DSP Baljinder Singh to state that the petitioner is not involved in any other case and the subject matter of the present petition pertains to the recovery of the alleged amount only. She further prays for time to file affidavit in the present case.

Adjourned to 28.01.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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 petitioner submits that the petitioner, in pursuance to the order dated 26.11.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation and has not misused the concession of bail.

Learned State counsel assisted by learned counsel for the complainant submits that the police has already submitted a cancellation report before the Illaqa Magistrate on 06.05.2021 and the Court has again ordered to investigate the matter.

Learned State counsel, on instructions from ASI Ramesh Lal, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 26.11.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

28.07.2021

Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No