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

CRM-M-44277-2021

Date of decision : 29.11.2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. Sukhbeer Hundal, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.68 dated 01.05.2021 registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Julkan, District Patiala.

On 29.10.2021, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, even as per the prosecution version, only an amount of Rs.66,000/- was stated to have been deposited in the account of the petitioner. It is submitted that although, the said amount of Rs.66,000/- was also paid by the petitioner to Ranjit Singh but however, in order to show his bona fide and without admitting his liability, the petitioner is ready to pay an amount of Rs.66,000/- to the complainant and seeks four

weeks' time for the same.

Notice of motion.

On asking of the Court, Mr. A.K. Kaundal, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions. Mr. Ankur Sheoran, Advocate for Mr. Arsh Kaler, Advocate appears on behalf of the complainant.

Adjourned to 29.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and 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.

The petitioner is directed to get the demand draft amounting to Rs.66,000/- in the name of the complainant on the next date of hearing.

It is made clear that in case, the said demand draft is not produced on the next date of hearing, then the present petition would be liable to be dismissed.”

Learned counsel for the petitioner has very fairly submitted that the petitioner is not responding to his calls and it seems that the petitioner after getting the interim order dated 29.10.2021, has not complied with the same.

Learned counsel for the State, has submitted that the petitioner has not even joined the investigation.

As per the prosecution case, the petitioner alongwith other co-accused had cheated the complainant for an amount of Rs.22,93,000/- by misrepresenting that they would provide the employment to the complainant

in the Department of Railways. An amount of Rs.66,000/- was stated to have been transferred by the complainant into the account of the petitioner and as noticed in the order dated 23.09.2021 passed by the Sessions Judge, Patiala, the said fact was not disputed by the counsel for the petitioner at the time of arguments. It was further the allegation of the prosecution that an amount of Rs.2,00,000/- in cash had also been paid to the petitioner. An amount of Rs.66,000/- received through bank transaction was sufficient to show that the petitioner is also involved in the offence.

In view of the arguments raised on the last date of hearing, the petitioner was asked to deposit an amount of Rs.66,000/- in the name of the complainant. However, the same has not been deposited. Thus, keeping in view the allegations made in the FIR and also on account of non-compliance of order dated 29.10.2021 passed by this Court, the present petition for grant of anticipatory bail to the petitioner is dismissed.

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 application.

29.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**