

207 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44973-2021  
Date of Decision :20.12.2021

Sandeep Bura

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chandeeep Singh, Advocate,  
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

**HARSIMRAN SINGH SETHI J. (ORAL)**

The petitioner is seeking anticipatory bail in FIR No.120, dated 30.07.2020, under Sections 420, 406, 120-B of IPC and Section 3(1)(s) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 registered at Police Station Urban Estate, Patiala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 28.10.2021.

Order dated 28.10.2021 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.120 dated 30.07.2020, under Sections 420, 406, 120-B IPC and Section 3(1)(s) of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Urban Estate, Patiala.*

*Learned counsel for the petitioner submits that the allegations alleged against the petitioner in the FIR are that he was hired by the complainant alongwith co-accused namely Sumit Sethi and his wife Deepshikha Sethi to create an application for him so as to conduct business online, for which, approximately an amount of Rs.20 lacs was given to the accused persons by the complainant. Learned counsel submits that the only allegation alleged against the petitioner is that*

*initially, money received from the complainant, was deposited in the account of the petitioner and thereafter, it was transferred to the account of co-accused namely Sumit Sethi. Learned counsel submits that the petitioner helped the transfer of the money received from the complainant to other co-accused, which act was done by the petitioner in good faith without there being any malice or financial gain. Learned counsel for the petitioner further submits that coaccused namely Sumit Sethi was arrested and thereafter, he was released on regular bail and while releasing the aforesaid co-accused on bail, the trial Court has recorded the fact that all the money, allegedly paid by the complainant to Sumit Sethi, has already been returned back to him. Learned counsel further submits that being so, nothing is to be recovered from the petitioner, besides, the petitioner is ready to co-operate with the investigation after joining the same.*

*Notice of motion for 20.12.2021.*

*Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent State.*

*Learned State counsel submits that as per the allegations, the petitioner alongwith his co-accused were working jointly to defraud the petitioner and that is why, the money was initially received by the complainant, though, the same was later remitted in the account of coaccused Sumit Sethi. Learned State counsel conceded that the main accused Sumit Sethi has already been extended the benefit of regular bail.*

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

*From the facts, which are being narrated hereinabove, the allegation against the petitioner is only for receiving the money initially from the complainant and thereafter, transferring the said money in the account of the co-accused Sumit Sethi. That being so, money paid by the complainant as*

*per the order passed by the trial court, has already been returned back to him and nothing remains to be recovered from the petitioner.*

*As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.*

*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 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.”*

*Adjourned to 20.12.2021.*

*It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”*

Learned State counsel, on instructions from SI Swaran 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 28.10.2021 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 orders.

The petition stands disposed of.

**20.12.2021**  
*hemlata*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : Yes