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

CRM-M-53703-2021

Date of decision : 22.12.2021

Kirpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Sultan Singh Gill, Advocate for the complainant.

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**VIKAS BAHL, J. (ORAL)**

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.178 dated 08.11.2021 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Majitha, District Amritsar Rural.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is running a diary under the name and style of Kirpal Diary and the complainant and the other accused were his regular customers and it is the co-accused Harjot Singh, who was the person dealing in selling and purchasing the vehicles and since the complainant wanted a second hand car, thus, the petitioner had introduced Harjot Singh to the

complainant and as a part of the deal, Harjot Singh agreed to sell the second hand vehicle to the complainant. It is further submitted that Harjot Singh wanted the sale consideration in cash whereas, the complainant insisted in making the payment online, hence the petitioner being a common link between the two agreed to give cash to Harjot Singh after the money was transferred into his account. It is argued that the petitioner has already paid an amount of Rs.2,50,000/- in cash to Harjot Singh. It is further argued that ultimately it was found that the said car was found stolen. Reference has also been made to the FIR as per which, the enquiry had been conducted by the police and there was mention of a Fortuner car also. With respect to the same, learned counsel for the petitioner has stated that the Fortuner Car was sold by Harjot Singh to the petitioner for an amount of Rs.14,00,000/- and the same was found to be a stolen car and the petitioner himself is aggrieved against the act of the co-accused Harjot Singh.

Learned counsel for the petitioner has submitted that in order to show his bona fide without admitting his guilt, the petitioner is ready to deposit an amount of Rs.2,50,000/- before the Illaqa Magistrate within a period of 21 days from today and has submitted that the said amount be kept in a Fixed Deposit to be paid to the person who ultimately succeeds in the trial.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. Although, he has opposed the present petition for grant of anticipatory bail to the petitioner,

however, could not dispute the fact that the car in question has already been recovered.

Learned counsel for the complainant has submitted that although, he has instructions to oppose the present anticipatory bail but in case, the petitioner is ready to deposit an amount of Rs.2,50,000/- in a Fixed Deposit to be paid to the person who ultimately succeeds, the complainant would have no objection in case the petitioner is granted the anticipatory bail.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the version given by the petitioner cannot be outrightly rejected and also the fact that in the present case, as per the submissions of the petitioner, even the petitioner has been duped by the said co-accused Harjot Singh and since the petitioner is ready to deposit an amount of Rs.2,50,000/- without admitting his guilt before the trial Court, this Court considers that the petitioner is entitled to anticipatory bail.

Accordingly, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. and also subject to the petitioner depositing an amount of Rs.2,50,000/- within a period of 21 days before the Illaqa Magistrate. However, the petitioner shall join the investigation as and when called upon to do so.

The Illaqa Magistrate is directed to deposit the said amount in a Fixed Deposit and the said amount would be paid to the person who

ultimately succeeds in the trial. In case, the petitioner is acquitted of the offences, then the said amount will be released to the petitioner alongwith interest. On the other hand, in case, the petitioner is convicted of the offences in the trial Court, then the said amount alongwith the interest would be paid to the complainant.

It is clarified that in case, the said amount of Rs.2,50,000/- is not deposited within the aforesaid period then in that case, the present petition would be deemed to have been dismissed.

It is made clear, in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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.

**22.12.2021***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**