

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1648-2020 (O&M)
Date of Decision:-16.5.2022

Balwinder Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Puri, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.
assisted by ASI Sham Lal.

Mr. Sushant Gupta, Advocate for
Mr. Rajesh Kapila, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No. 40 dated 20.7.2018 under Sections 406, 420 of Indian Penal Code at Police Station Division No. 1, District Pathankot wherein the allegations are broadly to the effect that the petitioner had defrauded the complainant of an amount of ₹3,50,000/-. During the course of previous hearing i.e. on 3.8.2021, the petitioner had offered to pay an amount of ₹1,75,000/- which was acceptable to respondents no. 2 and 3. It has been stated by learned counsel for the petitioner that the said amount stands paid, which is not disputed by counsel for the complainant.

2. Learned State counsel, upon instructions from ASI Sham Lal, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not involved in any other case.
3. The learned State counsel assisted by counsel for the complainant has, however, opposed the petition on the ground that recovery of the balance amount is yet to be made and that in these circumstances, the petitioner is not entitled to grant of anticipatory bail.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner has already joined investigation and is not even stated to be involved in any other case and has already paid an amount of ₹ 1,75,000/- to the complainant, this Court does not deem it to be a case where custodial interrogation is warranted.
6. The present petition is accepted and the interim directions issued by this Court vide order dated 28.2.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.5.2022

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**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No