

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

(I)

CRM-M-1762-2022 (O&M)

Date of Decision:- 13.5.2022

V.K. (Vijender Kumar)

... Petitioner

Versus

State of Punjab and another

... Respondents

(II)

CRM-M-2818-2022 (O&M)

Geetanshu Aggarwal

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh, Advocate, for the petitioner(s).

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Paramjit Singh.

Mr. Gurdev Singh Kuka, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners V.K. (Vijender Kumar) and Geetanshu Aggarwal, seek grant of anticipatory bail in a case registered vide FIR No. 161

dated 24.11.2021, Police Station City Batala under Section 420 of Indian Penal Code.

2. At the time of issuance of notice of motion in CRM-M-1762-2022 the following order was passed on 17.1.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.161 dated 24.11.2021, Police Station City Batala under Section 420 of Indian Penal Code, wherein the complainant alleges that the accused had taken an amount of Rs.15 lakhs for the purpose of sending the complainant’s son as well as complainant’s brother abroad.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that previously also the complainant’s brother had filed a similar complaint and infact 2 inquiries had earlier been conducted in the matter, wherein the allegations were found to be false and it was recommended that the matter be filed.

Learned counsel for the petitioner submits that the petitioner is infact running one travel agency and also a foreign exchange company. Learned counsel has submitted that infact the complainant had deposited an amount of about Rs.3.88 lakhs and against which the petitioner had issued travel tickets to the complainant’s son and brother for going to Dubai and had issued 4,330/- U.S. dollars in exchange. Learned counsel has submitted that the petitioner, in any case, in order to prove his bonafides, is willing to deposit an amount of Rs.5 lakhs before the Trial Court.

Notice of motion for 4.4.2022

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner

shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner, as per his offer, shall deposit an amount of Rs.5 lakhs before the Trial Court/Illaq Magistrate within a period of 2 weeks from today. Upon deposit of such amount, the same shall be got invested in some FDR in some Nationalized Bank with a clear direction to the Manager of the bank concerned not to entertain any request for its encashment except under specific orders of the Court.”

3. Even in the other case i.e. CRM-M-2818-2022, this Court while issuing notice of motion ordered for grant of interim bail to the petitioners while directing them to join investigation vide order dated 25.1.2022. The petitioner was further ordered to deposit an amount of Rs.25,000/- before the trial Court/Illaq Magistrate within 2 weeks therefrom and the trial Court was directed that upon deposit of such amount the same shall be invested in an FDR in some Nationalized Bank with a clear direction to the Manager of the bank concerned not to entertain any request for its encashment except under specific orders of the Court.
4. Learned State counsel, upon instructions from ASI Paramjit Singh, has informed that pursuant to interim directions, the petitioners have joined investigation and are not required for any custodial interrogation.
5. Having regard to the aforestated position wherein the petitioners have joined investigation and are not required for any custodial

interrogation, the petitions are accepted and the interim directions issued by this Court vide order dated 17.1.2022 and 25.1.2022 are hereby made absolute subject to the condition that the petitioners 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.

6. As far as the amounts of Rs.9 lakhs and Rs.25,000/- which stand invested in FDRs, it is ordered that Bank Manager concerned shall not entertain any request for encashment except an order of the Court. In case, the petitioners are found innocent and are acquitted and such acquittal attains finality, they shall be entitled to the proceeds of the FDR. However, in case they are found guilty and their conviction attain finality, it is the complainant who shall be entitled to the proceeds of such FDRs.
7. A photocopy of this order be placed on the file of each connected case.

13.5.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned	Yes / No
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Whether Reportable	Yes / No
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