

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

CRM-M-3642-2021 (O&M)
Date of Decision:-4.2.2022

Balwinder Singh @ Binder

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tanvir Singh Grewal, Advocate for
Mr. Abhishek Bhardwaj, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Kewal Krishan.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.211 dated 24.6.2020 at Police Station Sohana, District S.A.S. Nagar (Mohali) under Sections 420 and 120-B of Indian Penal Code.
2. The FIR in question was lodged at the instance of Labh Gir, wherein it is alleged that Binder represented to him that he would get the complainant employed in some government department in lieu of an amount of Rs.8.5 lakhs; that the complainant, being taken in by the said representation, paid an amount of Rs.3.5 lakhs in three installments in the year 2017; that the

petitioner Balwinder Singh @ Binder further introduced the complainant to one Ram Nath and the said Ram Nath introduced the complainant to Rawat; that the accused, however, did not get the complainant employed in some government department. Later Rawat issued 2 cheques one for an amount of Rs.2 lakhs and another for an amount of Rs.1 lakh but the same upon presentation were dishonoured.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact a perusal of the FIR would indicate that it is the co-accused Rawat, who had issued cheques in question for returning the amount, who would be the main accused. Learned counsel has further submitted that the petitioner has a clean record and that, in any case, in order to prove his *bonafides*, he is willing to deposit an amount of Rs.1 lakhs before the Trial Court/Illaqa Magistrate.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there are specific allegations against him, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner is not involved in any other case previously.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the amount involved in the present case and while also noticing that the cheques for return of amount had been issued by co-accused Rawat, which would be suggestive of the fact that the petitioner was an introducer only, the petition is accepted and it is ordered that the petitioner, in the event of arrest, be released on 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.

7. The aforesaid directions shall, however, be subject to the condition that the petitioner deposits an amount of Rs.1 lakh before the Trial Court/Illaq Magistrate within a period of 4 weeks from today. Upon deposit of said amount, the same shall be got invested in FDR in some Nationalized Bank with a clear direction that no request for its encashment shall be entertained except under orders of the Court. Upon the petitioner being declared innocent/acquitted and such findings attain finality, it is the petitioner, who would be entitled to the amount invested in the said FDR. However, in case the petitioner is held guilty and is convicted and such conviction attains finality, it is the complainant who would be entitled to the proceeds of the said FDR.

4.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No