

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

CRM-M-7545-2022

Date of decision : 30.03.2022

Sushil Kumar @ Raja Baba

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.D.Rattewal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.17 dated 26.01.2022 under Sections 420 and 120-B Indian Penal Code, 1860 and Section 13 Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station City Nawanshahar, District SBS Nagar, who apprehends his arrest at the hands of Police.

On 23.02.2022, this Court had passed the following order:-

“Learned counsel for the petitioner argues that petitioner was not named by the complainant in the complaint to have acted in any manner so as to violate any provision of law but it is only during the inquiry of the said complaint by the Police that it had come on record that the petitioner was also involved and had assured the complainant that she and her husband will be sent abroad and for that purpose received a sum of Rs.57000/- out of the total alleged money paid by the complainant to the accused persons. Learned counsel for the petitioner submits that the petitioner is ready to return the said amount to the complainant and is also ready to join the investigation and cooperate and therefore, as nothing is to be recovered from the petitioner, the petitioner may kindly be extended the concession

of anticipatory bail.

Learned State counsel submits that after the complaint was filed by the complainant, during the inquiry, the role of the petitioner was established being one of the person who had assured the complainant that she along with her husband will be sent abroad and for this purpose the petitioner had admitted to have received a sum of Rs.57000/- from the co-accused out of the total money paid by the complainant and therefore, learned counsel for the respondent-State submits that the custodial interrogation of the petitioner is necessary to recover the said amount.

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

As the custodial interrogation of the petitioner is being demanded by the Investigating Agency only to recover the amount of Rs.57,000/- alleged to have been received by the petitioner out of the total amount paid by the complainant to all the accused, and the petitioner has already agreed to give the said amount to the complainant by way of demand draft while joining the investigation, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

It is made clear that the petitioner is being protected keeping in view the undertaking given by him to pay an amount of Rs.57000/- to the complainant by way of demand draft and the said demand draft will be paid by the petitioner to the Investigating Officer on the date he goes to join the investigation, which draft to be forwarded to the complainant. It is also made clear that the amount being paid by the petitioner is without prejudice to any right of the petitioner or the complainant as the case may be.

Adjourned to 30.03.2022.

The 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.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner has deposited the amount of Rs.57,000/- by way of demand draft and also associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Jaswinder Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.02.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

30.03.2022
vanita

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