

204-A

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

CRM-M-8323-2022

Date of decision : 17.10.2022

Rahul Chopra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Irvan Neet Kaur, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. J.S. Thakur, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.220 dated 28.12.2021 registered under Section 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Division C, District Police Commissionerate Amritsar.

On 28.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia contends that the petitioner, who is a 26 year old young man, has

been falsely implicated in this case; the petitioner never has nor is in the business of sending persons abroad; in fact the petitioner was a cable operator as also recently in the chit fund business; one Ashu Gupta claimed money from the petitioner/his father and when the same remained unpaid he filed a complaint before the police in which similar allegations were made as in the present case; in that case the petitioner sought and got interim anticipatory bail from this Court; on the happening of such an event Ashu Gupta, through the complainant, who is Ashu Gupta's associate, got lodged the present FIR only to arm-twist the petitioner to return his money which was allegedly due to him; there are recorded conversations between the petitioner's father and Ashu Gupta/Krishan Lal/Sahil Chopra which clearly show that the dispute between the parties is of purely civil nature and that the petitioner is also ready and willing to join the investigation.

Mr.Amit Mehta, Sr.DAG., Punjab accepts notice on behalf of the State and Mr.J.S.Thakur, Advocate, puts in appearance on behalf of the complainant and pray for time to argue the matter.

Adjourned to 09.08.2022.

Till the adjourned date, the petitioner's arrest is stayed.

Before the adjourned date, the State shall file a status report in the form of an affidavit of the Commissioner of Police, Amritsar.

28.02.2022

Sd/- [DEEPAK SIBAL]

JUDGE ”

Thereafter, on 05.09.2022, the following order was passed by
this Court:-

“It has been pointed out that the petitioners could not

be joined in the investigation as there was no order to the said effect.

Adjourned to 17.10.2022.

In the meantime, the petitioner in both the cases are directed to join investigation on 15.09.2022 at 11:00 a.m. and in the event of arrest, they shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of the other connected case.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 05.09.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Nirmal Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Learned counsel for the complainant has submitted that the petitioner was directed to surrender his passport before the police.

Learned counsel for the petitioner has submitted that petitioner is involved in another FIR No.108 dated 15.09.2021 registered at District Jalandhar and has been granted the concession of anticipatory bail in the said case and has deposited his passport with the police at Jalandhar in the abovesaid case.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 28.02.2022 and

05.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 05.09.2022 is ordered to be made absolute.

However, 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.

17.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No