

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-10006-2022
Decided on : 20.05.2022

Vinod Kumar

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rakesh Nehra, Sr. Advocate with
Ms. Bindu Tanwar, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 50 dated 25.03.2021 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Phase-I, SAS Nagar, District Mohali.

On 09.03.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.50 dated 25.03.2021, registered under Sections 420 and 120-B IPC at Police Station Phase 1 S.A.S.Nagar, District Mohali.

The allegations against the present

petitioner are that in the month of August, 2019, he met with the complainant and others in a hotel at Mohali on the pretext of changing the denomination of the notes to the tune of Rs.60 Lakh. It is further alleged that instead of giving the amount of Rs.60 Lakh in return of the amount taken for exchange, the present petitioner in a hushed manner, left the spot along with money and thereafter, despite repeated reminders and calls, the amount of Rs.60 Lakh was not returned.

Learned Senior counsel would contend that there is an unexplained inordinate delay of more than 1 ½ years as the alleged occurrence took place in the month of August, 2019 whereas the present FIR was registered on 25.03.2021. According to him, in fact, the petitioner as well as the complainant were having partnership in the real estate and on account of certain differences having been arisen, the present FIR has been registered on false allegations.

Notice of motion for 20.05.2022.

Mr. Hittan Nehra, Additional Advocate General, Punjab accepts notice on behalf of the respondent-State.

Upon instructions from HC Supinder Singh, learned State counsel would point out that the co-accused of the petitioner namely Rampal has already been arrested on 24.02.2022 but no recovery has been effected from him.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the

following conditions, as envisaged under section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner 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 such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave India without the previous permission of the Court.*

09.03.2022

*Sd/-
(SANT PARKASH)
JUDGE”*

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and is not involved in any other case.

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 09.03.2022 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 09.03.2022 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.

(VIKAS BAHL)
JUDGE

20.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No