

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11713-2022
Date of decision : 16.08.2022

Jasbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ajaivir Singh, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.291 dated 31.12.2021 registered under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Rajpura, District Patiala.

On 05.04.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case, FIR No.291 dated 31.12.2021 registered under Sections 406/420/120-B of the Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Rajpura, District Patiala.

Vide order dated 23.03.2022, State was directed to file reply particularly specifying the role attributed to the present petitioner and with regard to the issuance of the cheque by him to

pacify the persons with whom he has done wrong.

In compliance to the aforesaid order, status report by way of affidavit of Gurbans Singh Bains, Deputy Superintendent of Police, Sub-Division Rajpura, District Patiala has been filed on behalf of respondent/State.

In para No.7, it has been mentioned that all the accused persons along with petitioner in connivance with each other has committed fraud with large number of people. Complainant submitted his documents and the money amounting to Rs. 4 lacs to all accused including petitioner as well. Petitioner is deposing false fact that no cheque has been advanced by him to any person, but it is worthwhile to mention that one cheque amounting to Rs. 2.5 lacs was issued in the name of Amrinder Singh by the petitioner, which was dishonored by the bank indicating insufficient funds.

Learned Counsel for the petitioner would contend that the present petitioner is stated to be part of persons who cheated the complainant on the pretext of sending him abroad and has received Rs.4 lacs payment along with other accused. However, the petitioner has not taken any money personally from the complainant and the money was handed over by the complainant to other co-accused namely Bakshish Singh at his house. The petitioner has been falsely implicated in the present FIR only to extract money which he does not possess. Even the cheques allegedly given by the petitioner, which were dishonored, were issued by other co-accused and no cheques were issued by the present petitioner.

Adjourned to 22.07.2022.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

**(SANT PARKASH)
JUDGE"**

05.04.2022

Thereafter on 22.07.2022, this Court was pleased to pass the

“Learned State counsel has pointed out that the petitioner has not joined the investigation.
The petitioner is directed to join the investigation on 29.07.2022 at 11:00 AM.
Adjourned to 16.08.2022.
Interim order to continue.
July 22, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said orders, the petitioner has joined the investigation.

Learned State counsel, on instructions of ASI Jaspal Singh, has submitted that the petitioner has joined investigation on 29.07.2022 and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 05.04.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 05.04.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

August 16, 2022
Davinder Kumar

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