

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

CRM-M-12828-2021

Date of decision : 05.04.2022

P.Murugesan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Sampla, Advocate for the petitioner.
Mr. Dhruv Dayal, Sr.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.0115 dated 17.09.2019 under Section 420 Indian Penal Code, 1860 registered at Police Station Nurpur Bedi, District Rupnagar, Punjab, who apprehends his arrest at the hands of Police.

On 19.03.2021, this Court had passed the following order:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that the alleged incident took place in the year 2012 and the FIR came to be registered only on 17.09.2019. The complainant himself could not show his willingness to go abroad, owing to his compulsion for which even a request was made for refund of the amount. On the persuasion of the petitioner, 50% of the amount i.e. 3000 canadian dollars was refunded by the Immigration Consultant and cheque dated 30.03.2014 was issued which was once dis-honoured, but thereafter, the payment in question was made by recognized mode of transfer to the complainant.

Learned counsel refers to Annexures P-5 to P-7 to show unwillingness of the complainant to go abroad in view of his family constraints.

Notice of motion for 25.05.2021.

Till the next date of hearing, arrest of the petitioner shall

remain stayed.”

Subsequently, vide order dated 13.09.2021, interim protection was extended to the petitioner. The said order reads as under:-

*“The case has been taken up for hearing through video conferencing.
Notice of motion was issued on 19.03.2021 after noticing some incriminating facts and arrest of the petitioner was also stayed.
For the reasons recorded in the order dated 19.03.2021, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 20.09.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.
Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.
List on 29.11.2021.”*

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Ram Kumar 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 13.09.2021 is made absolute.

		(MANOJ BAJAJ)	
		JUDGE	
05.04.2022	Whether speaking/reasoned :	Yes	No
vanita	Whether Reportable :	Yes	No