

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-13685-2022 (O&M)

Joginder Singh ... Petitioner

Versus

State of Haryana and another ... Respondents

II) CRM-M-22925-2022 (O&M)

Jatin Chaudhary ... Petitioner

Versus

State of Haryana and another ... Respondents

Date of Decision:-9.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manoj Kaushik, Advocate for the petitioner(s).
Mr. Rajiv Sidhu, DAG, Haryana.
assisted by SI Krishan Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Joginder Singh and Jatin Chaudhary seeking grant of anticipatory bail in respect of a case registered vide FIR No.527, dated 11.9.2020, Police Station Karnal City, District Karnal, under Sections 406, 420 of Indian Penal Code and Section 24 of Immigration Act.

2. At the time of issuance of notice of motion in CRM-M-13685-2022, the following order was passed on 1.4.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.527, dated 11.9.2020, Police Station Karnal City, District Karnal, under Sections 406, 420 IPC and Section 24 of Immigration Act.

The FIR was lodged at the instance of Sunil Kumar Verma wherein it is alleged that the petitioner-accused had cheated him of an amount of Rs.5 lakhs while holding out a representation that the complainant would be sent to Germany via Georgia and that although the complainant was sent to Georgia where he stayed for 6 months, but was never sent to Germany and had to return back in December, 2016.

Learned counsel for the petitioner submits that infact previously the complainant's father-in-law namely Rajpal Verma had filed a similar complaint in the year 2018 which was duly inquired into by Deputy Superintendent of Police, Head Quarter, Karnal, and the allegations were not found to be substantiated as would be evident from report dated 13.7.2018 (Annexure P-4).

Learned counsel further submits that now again after 2 years of the aforesaid report and after about 4 years of the occurrence in question, a fresh FIR has been lodged by the complainant which is an absolute abuse of process of law.

Notice of motion for 9.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Even in the other case i.e. in CRM-M-22925-2022, this Court while issuing notice of motion had granted interim bail to the petitioner-Jatin Chaudhary vide order dated 25.5.2022.
4. Learned State counsel, upon instructions from SI Krishan Kumar, has informed that pursuant to interim directions, both the petitioners have since joined investigation and are not required for any custodial interrogation. It has also been informed that both the petitioners otherwise stand involved in one more identical case.
5. Having regard to the facts and circumstances of the case particularly bearing in mind that the petitioners have joined investigation and are not required for any custodial interrogation, both the petitions are accepted and the interim directions issued by this Court vide order dated 1.4.2022 (passed in CRM-M-13685-2022) and order dated 25.5.2022 (passed in CRM-M-22925-2022) are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
6. It is clarified that the aforesaid order shall enure offences under Sections 370 and 384 of Indian Penal Code as well, which are stated to have been added subsequently.
7. A photocopy of this order be placed on the file of connected case.

9.9.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No