

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

CRM-M-15045-2022 (O&M)
Date of Decision:-29.9.2022

Aroop Bhattacharya

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Maurya, Advocate for
Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Daljit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.161 dated 25.11.2011, Police Station City South, Moga, under Sections 420 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 12.05.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.161 dated 25.11.2011, Police Station City South, Moga, under Sections 420 and 120-B of Indian Penal Code.

The FIR was lodged at the instance of Hardeep Singh, wherein it has been alleged that in March 2010, Chhinder Kaur represented to him that he could be sent abroad i.e. to England for a total amount

of Rs.10 lakhs; he was introduced to Chhinder Kaur through Harjinder Singh; he was told that an amount of Rs.6.75 lakhs would be required to be paid in India while the remaining may be paid after reaching England; the complainant alleged that they have paid an amount of Rs.1 lakh to Chhinder Kaur on 6.4.2010; another amount of Rs.4.75 lakhs was paid on 25.11.2010; the complainant was introduced to one Atul Sharma and he was taken to Bombay; however, later it transpired that the Visa, which had been furnished to the complainant, was a forged Visa.

Learned counsel for the petitioner submits that even if the allegations as levelled in the FIR are taken to be correct, it is only Chhinder Kaur and one Atul Sharma, who have been named therein, and that the name of the petitioner nowhere figures in the FIR and nor any allegation has ever been levelled against him but subsequently during the course of inquiry, the petitioner has been roped in though there is no evidence to show his involvement in the case.

Learned counsel for the petitioner has further submitted that although he had earlier been declared a proclaimed offender but the operation of the said order has been kept in abeyance, as ordered by this Court.

Notice of motion for 29.9.2022.

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 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. Reply by way of affidavit of Shri Shivraj Singh Nandgarh, PPS, Superintendent, Central Jail, Ludhiana has been filed by learned State counsel today in Court, which is taken on record.

4. Learned State counsel, upon instructions from ASI Daljit Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation.
5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 12.5.2022 are hereby made absolute, subject to the condition that the petitioner 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.

29.9.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No