

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

I) CRM-M-12041-2020 (O&M)

Chander Kant ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-12153-2020 (O&M)

Heena ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-12413-2020 (O&M)

Sachin Sharma ... Petitioner

Versus

State of Punjab ... Respondent

IV) CRM-M-15536-2020 (O&M)

Sachit Sharma ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-4.2.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Bhargava, Advocate,
for the petitioner(s).

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Harpal Singh.

Mr. Rajesh Kapila, Advocate,
for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned four petitions filed on behalf of petitioners Chander Kant, Heena, Sachin Sharma and Sachit Sharma seeking grant of anticipatory bail in respect of a case registered vide FIR No.49 dated 2.3.2020 at Police Station Dina Nagar, District Gurdaspur under Sections 420, 120-B of Indian Penal Code and Section 13 of Punjab Travel Professionals Act, 2014, wherein offences under Sections 467, 468 and 471 of IPC were added later on, wherein the allegations are broadly to the effect that the petitioners had duped the complainant of an amount of Rs.30 lakhs on the pretext of sending complainant's son abroad.
2. At the time of issuance of notice of motion in CRM-M-12041-2020, the following order was passed:

“Petitioner asserts that he being a Government employee is being falsely implicated in the case just to put pressure on the son of the petitioner, who is successfully running an IELTS institute, from where the son of the complainant has also cleared IELTS with seven bands. It is asserted that it is a conspiracy against the son of

the petitioner, who is doing well. Assertion has also been made that in the FIR, which has been registered on a complaint, no details are forthcoming with regard to the date and time when the money was handed over to the son of the petitioner or the petitioner in their village. No address of the travel agency has also been given. He further contends that the petitioner is ready and willing to join investigation and cooperate with the same.

Counsel for the State could not dispute the fact that the details with regard to the date and time on which the amount was handed over to the son of the petitioner or the petitioner have not been specified. He also could not really explain as to how, when twice the son of the petitioner as alleged to have gone to Delhi to board a plane and his documents were found to be fake, no FIR was registered and how he came back after the airport authorities found his documents to be forged and fake.

On considering the submissions of the counsel for the parties, keeping in view the fact that the petitioner is a Government servant and is not likely to abscond and he is ready and willing to join investigation and cooperate, direction is issued to the petitioner to appear before the Investigating Officer at Police Station Dinanagar, District Gurdaspur, on 11.05.2020 at 10:00 AM and in the event of his arrest, he shall be released on interim bail to the satisfaction of Investigating/Arresting Officer subject to the conditions contained in Section 438 (2) Cr.P.C.

List on 13.07.2020.”

3. Even in the cases of co-accused, who are all related to the aforesaid petitioner Chander Kant (in CRM-M-12041-2020) being his sons and daughter-in-law, the orders for grant of interim bail were passed on different dates.

4. Learned counsel for the petitioners has submitted that a false case has been lodged against the petitioners mainly on account of business rivalry amongst the complainant and Sachin Sharma, who both are running IELTS coaching institutes. It has further been submitted that there is no evidence regarding alleged payment of Rs.30 lakhs. Learned counsel has further submitted that the very fact that the FIR came to be lodged belatedly i.e. after about 2 years of occurrence would suggest that the entire family of the petitioners has been falsely implicated.
5. Learned State counsel has opposed the petitions on the ground that since there are specific allegations levelled against the petitioners, no case for grant of bail is made out. Learned State counsel has, however, informed that all the petitioners have joined investigation and that investigation is complete and that challan is likely to be presented shortly. It has also been informed that none of the petitioners is involved in any other case.
6. Having regard to the nature of allegations and also the fact that the petitioners have already joined investigation and investigation is stated to have been concluded and the petitioners otherwise have a clean record, all the four petitions are accepted and the interim directions issued by this Court vide order dated 7.5.2020 (passed in CRM-M-12041-2020), order dated 13.7.2020 (passed in CRM-M-12153-2020), order dated 21.5.2020 (passed in CRM-M-12413-2020) and order dated 1.7.2020 (passed in CRM-M-15536-2020) 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.

7. A photocopy of this order be placed on the file of each connected case.

4.2.2022

pankaj

(**Gurvinder Singh Gill**)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No