

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

205

CRM-M-21432-2021

Date of decision: 10.01.2022

VISHAL MARWAH

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

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

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 359 dated 05.06.2020 registered under Sections 406, 420, 370 and 384 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act at Police Station Sadar, Karnal, District Karnal.

While issuing notice of motion on 28.05.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 28.05.2021 reads as under :-

“As per the allegations in the FIR, a sum of Rs. 22 lacs were given to co-accused Amrik Singh by the complainant-Vikrant Singh Gill for sending his son abroad on student visa for MBBS. On 11.05.2019 son of the complainant left New Delhi for Moscow from where he reached Paris. It is alleged that on 22.06.2019, son of the complainant was arrested by the Police and remained lodged in Jail and ultimately he was deported back to

India. Alleging that the amount paid has not been returned to the complainant with son of the complainant having been forced to face ordeal all this while, present complaint was filed.

Learned counsel for the petitioner contends that the petitioner has not named in the FIR and that the said amount was taken by co-accused Amrik Singh. Name of the petitioner and other co-accused has surfaced only in the supplementary statement of the complainant. It is stated that the matter has initially been compromised. In fact, on the basis of compromise wherein it is stated that nothing is due against the accused, co-accused Harpreet Singh filed a petition for quashing of the FIR in which notice of motion has been issued. However, now the complainant is backing out of the compromise.

Notice of motion for 25.08.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 28.05.2021, submitted that in compliance with order dated 28.05.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from S.I. Mahabir Singh, acknowledged that in compliance with order dated 28.05.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not

required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 28.05.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

10.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

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