

(Through Video Conferencing)

(i) CRM-M-21451-2021

Ajmer Singh Petitioner
Versus
State of Punjab Respondent

(ii) CRM-M-22906-2021

Kashmir Masih Petitioner
Versus
State of Punjab Respondent

Date of Decision : 13.01.2022**CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Ms. Sukhveer Kaur, Advocate
for the petitioner in CRM-M-21451-2021.

Mr. Raj Kumar Arya, Advocate
for the petitioner in CRM-M-22906-2021.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J (Oral)

Both the present petitions, filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners, are taken up together for final disposal since the same are arising of the same FIR No.37 dated 13.05.2021, registered under Sections 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Purana Shalla, District Gurdaspur.

Learned counsel for the petitioners have submitted that both the petitioners in pursuance of the orders dated 07.06.2021 (in CRM-M-21451-2021) and 11.06.2021 (in CRM-M-22906-2021) have joined the investigation and have fully cooperated with the investigation process and

therefore, have prayed that both the said orders be made absolute. Learned counsel for the petitioners have submitted that the allegations against the petitioners are that they have taken an amount of Rs.4,50,000/- (although in the affidavit filed by the State it is stated as Rs.3,50,000/-) from the husband of the complainant on the pretext of sending him abroad whereas infact the present FIR was planted upon the petitioners. Learned counsel for petitioner Ajmer Singh has submitted that petitioner Ajmer Singh is 100% handicapped person and he is in the business of playing DJ sound system and he is not involved in the present case. Learned counsel for the petitioners have further submitted that at the most such a case can be termed as a civil dispute which has, however, been given a criminal favour by the police.

Learned State counsel has referred to the affidavit filed by the State in which it has been stated that in pursuance of the said orders, both the petitioners have joined the investigation but recovery of an amount of Rs.3,50,000/- is yet to be made and, he has, therefore, opposed the grant of anticipatory bail to the petitioners on the ground that recovery is yet to be made from the petitioners.

I have heard learned counsel for the parties.

Both the petitioners in pursuance of the orders dated 07.06.2021 (in CRM-M-21451-2021) and 11.06.2021 (in CRM-M-22906-2021) have joined the investigation as per the affidavit filed by the State and stand taken by the learned State counsel. However, the objection of the learned State counsel is that recovery of the amount is yet to be made. It is settled law that police cannot become recovery agents for the purpose of

recovery of money. It is yet to be ascertained as to whether the petitioners have taken any money from the husband of the complainant or not and, therefore, this ground cannot become a ground for denial of anticipatory bail to the petitioners.

In view of the above, both the petitions are allowed. The orders dated 07.06.2021 (in CRM-M-21451-2021) and 11.06.2021 (in CRM-M-22906-2021), granting interim bail to the petitioners are hereby made absolute.

13.01.2022

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No