

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-26393-2021

Date of decision : 24.01.2022.

Balwinder Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

A Coordinate Bench of this Court on 12.07.2021 had passed the following order:-

"This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 47 dated 10.6.2021, registered under Section 420 IPC and under Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Ghuman Kalan, District Gurdaspur.

There are two complainants in this case.

The allegations in FIR are that petitioner his co accused Lovepreet Singh alias Goldy had taken an amount for Rs. 1,50,000/- from complainant Dilbagh Singh for sending him to South Africa. However, neither complainant was sent to South Africa nor amount was returned to him. When complainant insistently asked for return of his money, co accused of petitioner Lovepreet Singh alias Goldy issued 2 cheques for an amount of Rs. 50,000/- and Rs. 1,00,000/-. However, these cheques were dishonoured on account of insufficient funds. It is further alleged that petitioner and his co-accused Lovepreet Singh alias Goldy had taken an amount of

Rs.1,86,000/- from Shamsheer Singh for sending him to South Africa. Neither complainant was sent to South Africa nor amount was returned to him.

Learned counsel for petitioner has argued that there is no allegation that amount was given by Dilbagh Singh to petitioner. He states that it is evident from documentary evidence that co accused Lovepreet Singh alias Goldy issued 2 cheques for Rs. 50,000/- and Rs. 1,00,000/- which were subsequently allegedly dishonoured. In respect of second allegation also, there is no documentary evidence that any amount had been passed to petitioner by complainant. Moreover, this FIR has been filed after a delay of 2 years. Petitioner has clean antecedents. No other criminal case is registered against petitioner. However, with a view to show his bonafide, petitioner is willing to deposit an amount of Rs. 1,00,000/- with trial Court.

Notice of motion.

Mr. Sarabjit Singh Cheema, AAG Punjab accepts notice on behalf of State.

Adjourned to 7.10.2021.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C. This shall however be subject to petitioner's deposit an amount of Rs. 50,000/- with trial Court within a week and remaining amount of Rs. 50,000/- within 4 weeks thereafter.”

Learned counsel for the petitioner contends that the petitioner had deposited Rs.50,000/- in the trial Court and the remaining amount could not be deposited as he had financial difficulty. He undertakes that the petitioner shall deposit the remaining amount of Rs.50,000/- with the trial Court within a week.

Learned State counsel, upon instructions from ASI Sukhjinder Singh, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the Covid-19 Pandemic, the order dated 12.07.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

The trial Court is directed to send the compliance report.

(ANUPINDER SINGH GREWAL)
JUDGE

January 24, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No