

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-28676-2022

Date of decision: - 02.09.2022

Ravi Kumar

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. P.S. Bajwa, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Sanjeev Kumar Arora, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.144 dated 15.06.2022, under Section 420 of the Indian Penal Code and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Civil Lines, Bathinda.

On 08.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, an amount of Rs.5,70,000/- which was taken by the petitioner was returned to the complainant on 23.07.2020. It is further submitted that petitioner had retained the original papers of the complainant so that the petitioner keeps making efforts to get the visa for the complainant after COVID-

19 pandemic is over. It is further contended that the petitioner is ready to return the said original documents which the complainant had given to the petitioner.

Learned counsel for the petitioner has submitted that in order to show his bona fide and without admitting his liability, the petitioner is ready to pay an amount of Rs.1.5 lacs to the complainant.

Notice of motion for 10.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare the demand draft of Rs.1.5 lacs in the name of the complainant and produce the same before this Court on the next date of hearing.

It is made clear that in case, the demand draft of the abovesaid amount prepared in the name of the complainant is not produced before this Court on the next date of hearing, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The petitioner is also directed to return the original documents of the complainant to the Investigating Officer when he goes to join the investigation and the Investigating Officer is directed to handover the same to the complainant after taking receipt from the complainant.

The payment of the amount of Rs.1.5 lacs would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

08.07.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation and has also got a demand draft amount of Rs.1,50,000/- in the name of the complainant and has handed over the same to the complainant, who is present in Court and has been identified by learned

counsel for the complainant.

Learned counsel for the complainant has submitted that the petitioner has returned the original documents to the complainant.

Learned State counsel, on instructions from ASI Bhola Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 08.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 08.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No