

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

210

CRM-M-30950-2022 (O&M)

Date of decision: 15.12.2022

MUKESH KUMAR

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. LS Lakhanpal, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.71 dated 22.04.2022, registered at Police Station Beas, District Amritsar (Rural), under Section 420 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014.

Learned counsel for the petitioner contends that the petitioner being a registered travel agent had performed his duty; that the alleged money was said to be paid to the petitioner in the year 2019 whereas the above-noted FIR was got registered in April, 2022; that in fact, the petitioner did not receive any money, but still applied study visa for the complainant for Canada on 03.03.2019, as would decipher from Anneuxre P-3, which had been refused later on. He further contends that the petitioner has falsely been implicated in the present case.

Vide order dated 23.09.2022 passed by this Court, the petitioner had been granted ad interim pre-arrest bail and directed to join the investigation.

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Pargat Singh, submits that though the petitioner has joined the investigation, yet recovery of Rs.1,95,000/- is to be effected for him and thus, he is required for further investigation.

Upon this, learned counsel for the petitioner submits that the complainant has suffered a statement dated 02.03.2019, stating therein that only educational certificate were handed over to the petitioner and that no money was given to him.

Be that as it may. The petitioner has already joined the investigation. The prosecution agency cannot act as a recovery agent and that too at the instance of the complainant.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 23.09.2022 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

15.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No