

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

**CRM-M-35481 of 2021
Date of Decision:-20.1.2022**

Jasbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Hanima Grewal, Advocate for
Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.65 dated 8.7.2021, under Sections 406, 420 and 120-B IPC, and Section 24 of Emigration Act, 1983, registered at Police Station Sadar Kurali, District SAS Nagar (Mohali).

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 09.11.2021. Order dated 09.11.2021 is read as under:-

**“The present petition has been filed for the grant of
anticipatory bail to the petitioner in respect of FIR No. 65**

dated 08.07.2021, registered under Sections 406, 420, 120-B IPC and Section 24 of the Emigration Act, 1983 at Police Station Sadar Kurali, District SAS Nagar, Mohali. Coordinate Bench of this Court vide order dated 31.08.2021 stayed the arrest of the petitioner. The order dated 31.08.2021 reads as under :-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.65 dated 08.07.2021 registered under Sections 406, 420 and 120- B IPC and Section 24 of the Emigration Act, 1983 at Police Station Sadar Kurali, District SAS Nagar, Mohali.

Learned Senior Counsel assisted by Mr. R.S. Sidhu, Advocate for the petitioner contends that the petitioner was also duped by co-accused/Jaswinder Singh, @ Ashish Bhatia @ Amit Bhatia as he had promised to send the petitioner abroad for which the petitioner had deposited Rs.1,50,000/- in the account of said co-accused/Jaswinder Singh, that the money alleged to have been paid by the complainant was deposited directly in the account of Jaswinder Singh @ Ashish Bhatia @ Amit Bhatia and that the petitioner has got nothing whatsoever to do with the fraud committed with the complainant by said Jaswinder Singh @ Ashish Bhatia @ Amit Bhatia.

Notice of motion.

Mr. Sukhbeer Singh, learned AAG,

Punjab, accepts notice and on instructions from ASI Gurdev Singh states that although the petitioner introduced the complainant to Jaswinder Singh @ Ashish Bhatia @ Amit Bhatia but no money was deposited by the complainant in the account of the petitioner, nor was it handed over to the petitioner. He however requests for time to file reply.

Adjourned to 05.10.2021.

In the meantime, arrest of the petitioner is stayed, till the next date.”

Learned senior counsel appearing on behalf of the petitioner argues that concededly no payment has been received by the petitioner and he is not the beneficiary of the payment allegedly made by the complainant in any manner and as the petitioner is ready to join the investigation and cooperate, the benefit of anticipatory bail may kindly be extended to him.

Learned State counsel submits that as per the investigation, which has been conducted so far, nothing has come on record that any amount has been received by the petitioner but the allegation against the petitioner is that the payment to the other accused was with the knowledge of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances recorded hereinbefore, especially, when no payment has been received by the petitioner from the complainant and nothing is to be recovered from the petitioner, the purpose of investigation will be achieved, in case petitioner is directed to join the investigation and cooperate.

Petitioner is directed to join the investigation

forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.**
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.**
- (iii) That he shall not leave India without prior permission of the Court.**
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.**

Adjourned to 20.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Gurdev Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 09.11.2021 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 20, 2022
Vijay Asija

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No