

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 33872 of 2022

Date of Decision: 03.8.2022

Himmat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner craves for indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 41 of 18.3.2022, registered at Police Station Raman, District Bathinda, constituting therein offences under Section 420 of the IPC.

2. The allegation raised against the present petitioner, is that on a false pretext of providing employment to the victim-complainant, his duping him in a sum of Rs. 7 lacs.

3. However, in view of Annexure P-4, enclosing an affidavit, sworn by the complainant, and, with disclosures therein, that a sum of Rs. 7 lacs, as became entered into the account of the present petitioner, has been liquidated to him, by the present petitioner. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty.

4. Moreover, the further reason, which constrains this Court to grant

the indulgence of pre arrest bail to the present petitioner, becomes generated from the factum, that at this stage, no evidence has been adduced by the prosecution, suggestive of the fact, that in the event of the bail petitioner being granted anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence.

5. In consequence, the instant petition is allowed. The bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer. Moreover, he shall also give an undertaking that he shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.

6. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

August 03, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No