

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

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**CRM-M-35777-2022 (O&M)
Decided on : 20.12.2022**

Ajay Kumar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rhythem Bajaj, Advocate for
Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, in a case arising out of FIR No. 245, dated 18.06.2020 (Annexure p-1), registered at Police Station Division No. 5-Police Commissionerate Jalandhar, District Jalandhar.

Order dated 25.08.2022 passed by this Court, says as under:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.245, dated 18.06.2020 (Annexure P-1), registered under Sections 406, 420, 120-B of IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, at Police Station Division No.5, Police Commissionerate Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that all the pleas raised by the petitioner stands recorded in the order dated 16.08.2022, that he allegedly received an amount of Rs.2,45,000/-, out of the total settled amount of Rs.11,71,604/-.

At the very outset, on putting it to the petitioner by

the Court, it is accepted by the petitioner that he would deposit an amount of Rs.1,20,000/- in the shape of FDR and will submit the same before the Court of learned Magistrate within 10 days. Since, it appears to be a monetary dispute, interest of the parties would be secured by getting the amount deposited.

Learned State counsel on instructions from ASI Manjeet Singh submits that the trial is at the investigation stage qua the petitioner, though challan has been submitted qua two of the accused before the trial Court and he also does not oppose the said proposal.

In view of the stand of the parties, ad interim anticipatory bail is granted to the petitioner for the purpose of joining investigation and to hand over all the relevant documents, if any, in his possession to the Investigating Officer for the purpose of joining investigation. In the event of the arrest of the petitioner, he shall be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join the investigation and appear before the police as and when required to do so. He shall also comply with the conditions laid down under Section 438(2), Cr.PC.

The said amount of Rs.1,20,000/- will keep lying as FDR in the bank until the dispute is finally decided.

Adjourned to 20.12.2022 for further consideration.”

Learned counsel for the petitioner contends that in compliance of said order dated 25.08.2022, passed by this Court, the petitioner has joined the investigation and has fully co-operated. He further submits that petitioner has already deposited an amount of Rs. 1,20,000/- in the shape of FDR.

Learned counsel for the State on instructions from ASI Manjinder Singh, confirms the said averment and submits that petitioner is

not required for further investigation.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the ad-interim order dated 25.08.2022 is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

Petition stands disposed of.

Pending miscellaneous application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

20.12.2022

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>