

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-40957 of 2021
Date of Decision : 09.02.2022

Tinkeshwar Jain

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Tajinder Pal Singh Makkar, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 100 dated 27.07.2021 registered under Sections 420, 406, 120-B IPC and Sections 4 and 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978, at Police Station City I Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that in terms of order dated 29.11.2021 passed by this Court, the petitioner has joined the investigation. Order dated 29.11.2021 is as under:-

“Learned counsel for the petitioner argues that the present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.100 dated 27.07.2021 registered under Sections 420, 406, 120-B IPC and Sections 4 and 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978, at Police Station

City I Malerkotla, District Sangrur. Learned counsel for the petitioner submits that in the present case, the petitioner was only an employee of the company wherein the complainant had invested the money and merely that the amount was given to an employee, which amount was actually deposited in the account of the company, will not make the petitioner liable for any act as he was only discharging his duties being an employee. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate and therefore, the petitioner may kindly be extended the benefit of the anticipatory bail.

Learned State counsel, on the other hand, submits that whether the petitioner is an employee of the company or not will come during the investigation, but as per the allegation the money was given to the petitioner and nothing has come on record so far to show that the petitioner was an employee in the said company.

Learned counsel for the complainant submits that the complainant has lost all his earnings, which were given to the petitioner.

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

Once the allegations against the petitioner are yet to be proved during the trial, this Court at this stage is only to evaluate whether the custodial interrogation of the petitioner is necessary to find out the truth or asking the petitioner to join and cooperate with the investigation, will suffice the purpose of the investigation.

Keeping in view the facts and circumstances of this case, the purpose of investigation will be achieved, if the petitioner is directed to join and cooperate with the investigation forthwith.

The 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 09.02.2022.

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

In view of the above, the order dated 29.11.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	✓ Yes/No
Whether reportable?	✓ Yes/No