IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40931-2021 (O&M)
Date of decision: 05.01.2022

Gurbir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. A.P.S. Rehan, Advocate
for the complainant.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.77 dated 09.07.2021 under Section 420 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

While granting interim bail to the petitioner, following order was passed by this Court on 30.09.2021: -

"...FIR was lodged on the complaint of one Harinder Pal Singh who stated that Gurbir Singh (petitioner), Jatinder Pal Kaur and Ranjit Singh claimed that they have opened a company for affixing

names plates on the houses. They allured the complainant taking into believe that if he invested some amount in the company, he would earn Rs. 50000/- per month. Believing them, complainant arranged Rs. 1250000/- by taking a loan and deposited the amount in the bank account as instructed by petitioner and co accused. It is alleged that petitioner and his co accused claimed that the bank account was of fourth partner. However, after the complainant deposited the said amount, he did not receive any return. When the complainant repeatedly asked the petitioner and his co accused, they admitted that they had used the money and would return the same. Thereafter, Rs.250000/- was deposited by Ranjit Singh in the account of complainant. The petitioner gave the complainant a cheque of Rs. 200000/- which was encashed by complainant. Alleging that complainant has been defrauded, FIR was lodged.

Mr. Mahajan, learned counsel for petitioner has argued that complainant has invested the money of his own in one M/s Priya Trading Company. This is clearly reflected in the account statement of M/s Priya Trading Company annexed as Annexure P-4. He further states that petitioner had also invested certain amounts in the same company. Thereby, he states that allegations of cheating by petitioner are false. He states that infact the son of complainant is in Canada. The complainant had assured the petitioner that he would also settle the son of petitioner (Gursimran Singh) in Canada. On that account, the petitioner had *transferred an amount of Rs. 200000/- in the account of complainant. However, the complainant did not fulfil his promise because of which the petitioner has filed a criminal complainant against complainant much before the institution of this FIR. The said complaint is pending..."*

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Kartar Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 30.09.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

05.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No