

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38435-2022

Date of decision : 29.08.2022

Gurdeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sunil Agnihotri, Advocate
for the petitioner.

Mr.Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.66 dated 06.05.2021 registered under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Bullowal, Hoshiarpur.

The petitioner had filed the first anticipatory bail, i.e. CRM-M-46353-2021, which was decided on 18.02.2022. The relevant portion of the said order is reproduced hereinbelow:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 66 dated 06.05.2021 under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Bullowal, District Hoshiarpur.

On 19.01.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner has submitted that the petitioner has not brought the demand draft of Rs.1 lac as ordered on 03.11.2021 but however, has prayed that

one last opportunity be given to get said demand draft of Rs.1 lac and for the same, he has prayed for one week time.

The petitioner is directed to bring the demand draft of Rs.1 lac on the next date of hearing.

Adjourned to 18.02.2022.

It is clarified that no further adjournment shall be granted.”

Learned counsel for the petitioner has submitted that the petitioner has not complied with the abovesaid order.

Learned State counsel and learned counsel for the complainant have submitted that in the present case, the FIR was registered on the allegations that the present petitioner alongwith other co-accused had taken an amount of Rs.7,80,000/- for sending the complainant's son abroad. It is further highlighted that as per the FIR, an amount of Rs.3,50,000/- was paid to the present petitioner.

Learned counsel for the complainant has submitted that during the course of enquiry, the factum of Rs.3,50,000/- having been paid to the present petitioner, has been admitted by him.

This Court has heard learned counsel for the parties and has perused the paperbook.

In the FIR, specific allegations have been made against the present petitioner to the effect that he and his sister Aman had come to the house of the complainant in May, 2019 and had assured to send the son of the complainant i.e. Jattin to Portugal on a work permit and for the said purpose, the deal was struck at Rs.8,00,000/- and thereafter, the petitioner alongwith other accused introduced the complainant and her son to Mohammad Sadiq Khan and after the money was paid to the said accused, the son of the complainant was taken upto Georgia but he was not taken to Portugal, for which the money had been paid and from Georgia, the son of the complainant had to return back to India. Further, from the case of the prosecution, it is apparent that Rs.3,50,000/- was paid to the petitioner and the petitioner has neither repaid the said amount nor has he sent the son of the complainant to Portugal. Even, the order of this Court dated 19.01.2022 has not been complied with.

Keeping in view the abovesaid facts and circumstances, the present petition for anticipatory bail is dismissed.

However, nothing stated above shall be construed as a final

expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

February 18th, 2022”

Faced with the above said order and also the fact that second anticipatory bail petition is not maintainable, learned counsel for the petitioner seeks to withdraw the present petition, however, prayed that in case the petitioner surrenders before the police within a period of 10 days from today, then the regular bail application filed, if any, by the petitioner would be decided as expeditiously as possible, preferably within a period of 2 days and the petitioner is also ready to deposit Rs.1 lac with the trial Court which could be released to the complainant to show his bonafide without admitting his liability.

Learned State counsel has opposed the bail application, however, does not object to the said course of action.

Keeping in view the above said statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn, with a direction to the petitioner to surrender before the police within a period of 10 days and deposit a demand draft of Rs.1 lac with the trial Court within a period of 10 days and in case, after surrendering and depositing the above said demand draft, the petitioner files an application for grant of regular bail, the trial Court is requested to decide the same expeditiously, preferably within a period of 2 days from the date of the said application being filed. The trial Court is directed to disburse the said amount of Rs.1 lac so deposited in the name of the complainant to the complainant. While considering the regular bail application of the

deposited Rs.1 lac which is to be given to the complainant, be considered by the trial Court as a point in favour of the petitioner.

(VIKAS BAHL)
JUDGE

August 29, 2022
Davinder Kumar

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