

*(Through Video Conferencing)*CRM-M No.45401 of 2021
Date of Decision: 18.01.2022

Baljeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. Abhinav Sood, Advocate and
Mr. Jashan Mehta, Advocate
for the petitioner.

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

Ms. Shubreet Kaur, Advocate,
for the complainant.**HARSIMRAN SINGH SETHI, J. (ORAL)**

Petitioner is seeking anticipatory bail in FIR No.238 dated 18.09.2021 registered under Section 420 IPC, at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 09.11.2021. Order dated 09.11.2021 is as under:-

“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.238 dated 18.09.2021, registered under Section 420 IPC, at Police Station Lehra, District Sangrur.

Learned Senior counsel appearing on behalf of the petitioner submits that the only allegation alleged against the petitioner in the F.I.R is that father of the complainant had given an amount of Rs.30 lakhs to him to invest in property dealings and as the amount given by father of the complainant has not been returned, the allegations of fraud are being alleged against the petitioner. Learned Senior counsel further submits that though, the amount alleged to have been given to the petitioner is under written agreement, but the said alleged agreement is yet to see the light of the day, hence, the petitioner, who is ready to join the investigation and cooperate, may kindly be extended the benefit of anticipatory bail.

Notice of motion for 18.01.2022.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel submits that the allegations alleged against the petitioner are of receiving money from the father of the complainant for investment under an agreement and then not returning the same and the trail of the said amount is yet to be ascertained, therefore, the custodial interrogation of the petitioner is necessary to find out the truth.

Learned counsel appearing on behalf of the complainant vehemently argues that in fact it is a case of fraud committed by the petitioner, as father of the complainant was duped by the petitioner as an amount of Rs.30 lakhs was given to him for investment in properties but petitioner did not invest the same and though, subsequently petitioner entered into an agreement reduced in writing to return the said amount, which agreement was signed by various persons including the complainant but the said amount is yet to be returned. Learned counsel for the complainant further submits that the agreement, where the petitioner had undertaken to return the amount, is with the petitioner and is yet to be recovered from him, therefore his custodial interrogation is necessary.

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

The facts, as stated hereinbefore, makes it clear that the alleged amount paid to the petitioner by the father of the complainant was under some written agreement, which agreement has not been produced by the complainant along with the complaint. Even the written agreement under which, the petitioner allegedly undertook to repay the amount, is also not with the complainant. The allegations, which are being alleged against the petitioner, are yet to be proved before Competent Court of law during the course of the trial. At this stage, this Court is to ensure the proper investigation of the allegations alleged in the FIR and to opine whether, for the said purpose the custodial interrogation of the petitioner is necessary or not. As, the only allegation is of non-return of the money given to the petitioner under a purported agreement, this Court is of the view that the the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

Hence, 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 the satisfaction of the Arresting Officer/Investigating Officer 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.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jaggar Singh states that

in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 09.11.2021 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, State shall have liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022
 jyoti-II

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No