

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48098-2021 (O&M)

Date of Decision:- 19.7.2022

Satwinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Jangir Singh.

Mr. Prateek Pandit, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.201 dated 16.10.2021, Police Station Basti Bawa Khel, Jalandhar, under Sections 406, 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, wherein the allegations against him are broadly to the effect that he had cheated the complainant of an amount of Rs.14 lakhs on the pretext of sending the complainant and her minor son abroad.

2. It is not disputed that the petitioner had already returned an amount of Rs.5 lakhs before registration of the FIR. During the pendency of the present petition, the petitioner paid an amount of Rs.2 lakhs by way of a demand draft in favour of the complainant which is not disputed by learned counsel for the complainant who is present in Court.
3. Pursuant to order dated 24.3.2022 the petitioner has deposited another amount of Rs.4 lakhs before the trial Court. Learned counsel for the petitioner has today furnished a photocopy of demand draft No.540640 dated 7.4.2022 favouring Civil Judge Senior Division Jalandhar. The same is taken on record.
4. Learned State counsel, upon instructions from ASI Jangir Singh, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation and that investigation already stands concluded.
5. In view of the aforestated position, this Court is of the opinion that custodial interrogation of the petitioner is not warranted. The petition is accepted and the interim directions issued by this Court vide order dated 17.11.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is directed that the aforesaid amount of Rs.4 lakhs which is stated to have been deposited before the trial Court and is further stated to

have already been invested in FDR in some bank shall be kept intact till the final disposal of the case. Upon the petitioner getting convicted and such conviction attains finality the complainant would be entitled to proceeds of the said FDR. However, in case the petitioner is acquitted and such acquittal attains finality, it is the petitioner who would be entitled to proceeds of the said FDR.

19.7.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No