

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

208

CRM-M-44291-2020

Date of Decision : **May 18, 2022**

JONES SAHOTA @ LADDU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.192 dated 17.10.2020 under Section 420 IPC and Section 13(1) of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Cantonment, District Police Amritsar.

It has been submitted by the learned counsel for the petitioner that in the present case in pursuance of the order passed by this Court whereby he was granted interim bail on 31.12.2020 the petitioner has joined the investigation and he has fully cooperated with the investigation process and has, therefore, prayed that the aforesaid interim order may be confirmed.

On the other hand, the learned State counsel on instructions from ASI Raj Kumar has stated that the petitioner has joined the investigation. He has, however, opposed the grant of anticipatory bail to

the petitioner on the ground that the disputed amount of Rs.4,50,000/- is not being returned by the petitioner to the complainant.

Replying to the objection raised by the learned State counsel, it has been submitted by the learned counsel for the petitioner that infact the petitioner was falsely implicated in the present case and the petitioner had taken an amount of Rs.2,75,000/- from the complainant not for himself but for giving the same to the agent, namely, Onkar Singh and it was only on the asking of the complainant that the same was done and, therefore so far as the present petitioner is concerned, he has been falsely implicated. He further submitted that he has specifically stated in para No.5 of the petition that the complainant who is serving ASI has constantly pressurizing the petitioner to return the entire money but the aforesaid averments in para No.5 of the petition have not been specifically denied in the affidavit filed by the State. He submitted that be that as it may, the petitioner has already joined the investigation and whether the amount is to be paid to the complainant or not is the disputed question which can be seen at the time of the trial and the police especially when the complainant himself is an ASI cannot become a recovery agent and he has stated that his right to freedom may be protected.

I have heard the learned counsels for the parties.

In pursuance of the order passed by this Court on 31.12.2020, the petitioner has joined the investigation as per the statement made by the learned State counsel on instructions. The only objection which has been raised by the learned State counsel is that the

remaining amount of Rs.4,50,000/- has not been returned by the petitioner. However, on the other hand, the learned counsel for the petitioner has submitted that the petitioner did not receive any amount for himself and infact the complainant who is a serving ASI was pressurizing him to pay the money. The petitioner has admittedly joined the investigation. The objection raised by the learned State counsel that the money is yet to be recovered is not sustainable because the police cannot become a recovery agent. The dispute with regard to the payment of money is yet to be adjudicated and at this stage these are only allegations. Therefore, this Court is of the view that the present petition for anticipatory bail deserves to succeed.

Consequently, the present petition is allowed and order dated 31.12.2020 is, hereby, made absolute.

May 18, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No