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

CRM-M-45291-2022

Date of decision : 28.10.2022

Avtar Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Sukhpreet Kaur, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.144 dated 01.07.2022 registered under Sections 420, 120-B of the Indian Penal Code, 1860 and Section 13(1) of the Punjab Travel Professional Act, 2014, at Police Station City Kapurthala, District Kapurthala.

On 29.09.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that even a perusal of FIR would show that it was Anil Sharma who had given cheque amounting to Rs.21,00,000/- to the complainant-Baldev Singh and the said fact prima facie shows that it is not the present petitioner who had received the money. It is further submitted that

there are allegations that some cash amount had been paid to the present petitioner as per the FIR. It is contended that the petitioner in order to show his bona fide, is ready to give an amount of Rs.2,00,000/- to the complainant without admitting his liability within a period of two weeks from today.

Notice of motion for 28.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare demand draft of Rs.2,00,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further handover the same to the complainant after getting receipt from him.

It is made clear that in case, the demand draft of Rs.2,00,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.2,00,000/- would not be construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 29.09.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Jasbir

Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. He further submits that demand draft amounting to Rs.2 lacs has been handed over by the petitioner to the Investigating Officer and the Investigating Officer undertakes to hand over the same to the complainant within a period of two weeks from today after taking receipt from the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 29.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

28.10.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**