

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50323-2021

Date of Decision: 02.02.2022

Prince Bhogal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Verma, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 91, dated 13.11.2021, under Sections 420, 406 & 120-B of the IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, registered at Police Station Nurmahal, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 02.12.2021, passed by this Court, which is as under:-

“The 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.91 dated 13.11.2021 registered under Sections 420, 406 & 120-B of the IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Nurmahal, District Jalandhar.

Learned counsel for the petitioner argues that in the present FIR, the allegations alleged against the

petitioner are that in order to send the complainant abroad on work permit, certain amount has been taken from the complainant by the petitioner alongwith other co-accused. Learned counsel for the petitioner submits that the allegations alleged against the petitioner are totally false, which is proved from the fact that the payment stated to have been made is in cash.

Learned counsel for the petitioner argues that it is not that the complainant is ignorant as to how a person can go abroad for the reason that mother and brother of the complainant are already living in America and the complainant himself has also visited England in 2013. Learned counsel for the petitioner submits that the petitioner, who is ready to join and cooperate in investigation may kindly be granted the benefit of anticipatory bail.

Notice of motion for 02.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel on the other hand submits that the allegations against the petitioner of receiving money are specific, but concedes that the payments stated to have been made are all in cash.

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

At this stage, this Court is only to opine as to whether, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in investigation or the custodial interrogation of the petitioner is necessary to find out the truth. Keeping in view the facts and circumstances of this case as stated hereinbefore, as nothing is to be recovered from him, the purpose of investigation will be achieved in case,

the petitioner is directed to join and cooperate in investigation.

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 conferencing, on instructions from SI Paramjit Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 02.12.2021 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 cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

02.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes
2. Whether reportable: No