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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.51102 of 2021 (O&M)

Date of decision: 14.01.2022

Amandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.169 dated 29.06.2021 registered under Sections 420, 120-B IPC at Police Station City Phagwara, District Kapurthala.

Counsel for the petitioner has argued that the FIR was registered on a complaint given by Ritesh Kumar Srivastav, office of Enforcement Directorate, Jalandhar, that the co-accused Harmesh Kumar Gaba, in connivance with the Revenue Department, has sold the property which was attached by the Department under the Prevention of Money Laundering Act. It is further submitted that the petitioner was not named in the FIR and the main accused Harmesh Kumar Gaba has given a GPA in favour of the petitioner as the petitioner was working with him on a salary of Rs.12,000/- per month and on his behalf, he appeared before the Revenue Authorities for registration of the sale deed without having any knowledge that there is an order of the

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Enforcement Directorate. It is also argued that the petitioner being a GPA has not received any sale consideration in the account and it is the case of the prosecution itself that the sale deed was, in fact, executed by Harmesh Kumar Gaba, who received the sale consideration and the petitioner was the GPA, who appeared on his behalf.

Counsel for the petitioner has further submitted that Harmesh Kumar Gaba was granted the concession of default bail under Section 167(2) Cr.P.C. whereas some of the other co-accused have been granted the concession of anticipatory bail as they were the revenue officials. It is also submitted that in the absence of any evidence or allegations in the FIR that the petitioner has a meeting of mind with the main accused Harmesh Kumar Gaba, who had sold the property on receiving the payment and in view of the specific allegation that he executed the sale deed in connivance with the revenue officials, primarily, no case is made out under Section 120-B IPC against the petitioner.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the fact that the petitioner has not received any amount in the account and the main accused Harmesh Kumar Gaba, who was arrested has been released on regular bail. It is also not disputed that some of the revenue officials have also been granted the concession of anticipatory bail.

After hearing the counsel for the parties, considering the aforesaid facts and circumstances of the case, the present petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be

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released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. *He shall make himself available for interrogation by a police officer as and when required;*
2. *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 such facts to the Court or to any police officer; and*
3. *He shall not leave India without previous permission of the Court.*

It will be open for the Investigating Officer to issue a notice in writing to the petitioner, if he is still required for further investigation.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No