

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-51270-2021

Date of Decision : February 08, 2022

Parminder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Arora, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.106 dated 25.05.2021 registered under Sections 420, 406 and 120-B of the IPC at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 09.12.2021. Order dated 09.12.2021 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.106 dated 25.05.2021 registered under Sections 420, 406 and 120-B of the IPC at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner argues that the allegations alleged in present FIR are fake and incorrect and

he has done nothing wrong as he was not proprietor or director of the company, where the complainants had invested the money and the petitioner was only an agent of the company. Learned counsel for the petitioner submits that not only the complainant, but even the petitioner had also deposited the money with the company concerned keeping in view the assurance, which was given by the company to him as well as other investors.

Learned counsel for the petitioner further submits that prior to the registration of the present FIR, the police had conducted an enquiry, where the petitioner also associated himself and has already explained his position and as nothing is to be recovered from the petitioner and he is ready to join and cooperate in investigation, he may kindly be granted the benefit of anticipatory bail.

Notice of motion for 08.02.2022.

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

Learned State counsel submits that though, the petitioner claimed himself to be an agent of the company, but it has come on record during the investigation that the petitioner was a beneficiary as he had received certain amount of commission keeping in view the deposits, which were made by the complainants with the company and, hence the modus operandi being adopted by the company in connivance with the petitioner, is yet to be unearthed, for which, custodial interrogation of the petitioner is necessary.

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

The allegations alleged against the petitioner in the present FIR are yet to be proved during the course of the trial and it is also yet to be proved that the amount of money which is stated to have been received by the petitioner is a commission or the returns, which the petitioner was getting in

similar fashion as the complainants were getting. As nothing is to be recovered from the petitioner and the purpose of investigation will be achieved, in case, the petitioner is directed to join and cooperate in investigation, the petitioner has made out a case for the grant of benefit of anticipatory bail.

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, on instructions from ASI Som Lal, 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 09.12.2021 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 will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 08, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No