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

(1)

CRM-M-52019-2021

Date of decision:02.08.2022

AJAY CHOPRA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

(2)

CRM-M-53162-2021

RAHUL CHOPRA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Irvanneet Kaur, Advocate for
Mr. Anil Mehta, Advocate for the petitioner(s).

Mr. Bhupender Beniwal, AAG, Punjab

Ms. Sukhpreet Kaur, Advocate
for respondent No.2-complainant (in both cases).

SURESHWAR THAKUR, J. (ORAL)

1. Both these bail petitions cast, under Section 438 Cr.P.C., are being disposed of through a common order, as they arise from a common FIR.

2. In FIR No.108 of 15.09.2021, registered at Police Station Division No.2, District Police Commissionerate Jalandhar, offences constituted under Sections 406, 420 of IPC, and, under Section 13 of Punjab Travel Professionals (Regulation) Act, are embodied.

3. Through orders made respectively, on 14.12.2021, and, on 20.12.2021, upon bail petitions (supra), this Court had granted ad-interim bail to the present bail petitioner(s).

4. The present bail petitioners are alleged to, in connivance with each other dupe the victim-complainant, of a sum of Rs.15 lacs, on the false pretext of sending him abroad.

5. The deposit of some reasonable per centum of the above duped sums of money, by each of the present bail petitioners, is deemed imperative, for being imposed upon them, for hence precluding this Court for ordering for the custodial interrogation of the present bail petitioners.

6. In the above regard, the learned counsel for the petitioners, on instructions given to her, by the petitioners submits that, the present bail petitioners are ready, and, willing to deposit, within a week from today, a sum of Rs.3.5 lacs each, in the establishment of the learned trial Judge concerned. If so, and, if it is done, thereupon, the present bail petitioners are admitted to pre-arrest bail.

7. However, it is clarified that, upon the above deposit being made within the above period of time, before the learned trial Judge concerned, thereupon, its disbursement to the concerned, would be completely regulated by the outcome of the trial, as may become entered into by the learned trial Judge concerned.

8. However, the learned State counsel opposes the grant of anticipatory bail to present bail petitioners, and, submits that the indulgence of anticipatory bail may not be accorded to them, as they are habitual offenders, and, in case they become admitted to anticipatory bail, thereupon, there is every likelihood of theirs fleeing from justice, and, tampering with prosecution evidence, and, also theirs influencing prosecution witnesses, besides theirs re-indulging in criminal activities.

9. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the present bail petitioners, necessarily as a measure to allay, the apprehension (supra), as becomes reared by the learned State counsel.

10. In summa both the petitions are allowed, and, the orders as made, by this Court respectively, on 14.12.2021, and, on 20.12.2021, are made absolute on the same terms, and, conditions. Further, subject to the bail petitioners making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, they re-indulge in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled qua them, and, upon theirs being forthwith arrested by the investigating officer concerned, the latter shall produce the bail petitioners before the trial Court concerned, for the latter making an order for theirs being put to judicial custody.

11. Moreover, with the further condition that the present bail petitioners, shall forthwith return the passport of the respondent-complainant to the latter, and, also with a condition that the co-petitioner Ajay Chopra, shall forthwith deposit, his passport before the SHO of the police station concerned, so as to preclude him from fleeing from justice.

12. The passport of co-bail petitioner Rahul Chopra, has been handed over to the SI Balwinder Singh, in the Court today, and, SI Balwinder Singh is directed to forthwith deposit it, in the malkhana of the police station concerned. The afore would preclude the above from fleeing from justice, and, also would subsume the effect of his earlier making a futile attempt to flee from India.

13. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

02.08.2022

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