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

CRM-M-49938-2022

Date of decision : 15.11.2022

Jakesh Kumar Sandral

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Abhiraj Singh Baweja, 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.244 dated 25.09.2022 registered under Sections 420, 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, 1983 at Police Station Jamalpur, Ludhiana.

On 29.10.2022, this Court had passed the following order:-

“Inter alia, contends that in the present case, as per the compromise dated 18.05.2022, it is the co-accused Satwinder Singh, who had to pay the balance amount of Rs.9,75,000/- and had even issued the cheques in question with respect to the same. It is submitted that the petitioner has already paid Rs.4,00,000/- to the complainant party and the petitioner, in order to show his bona fide, is ready to pay

a further amount of Rs.1,00,000/- to the complainant, without admitting his liability, within a period of two weeks.

Notice of motion for 15.11.2022.

On asking of the Court, Mr. Ramdeep Partap Singh, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State and Mr. Harpal Singh Sirohi, Advocate, appears on behalf of the complainant and seek time to address arguments.

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 a demand draft to the tune of Rs.1,00,000/- in the name of complainant and is directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further hand over the same to the complainant. It is made clear that in case, the demand draft of Rs.1,00,000/- is not given to the Investigating Officer, prepared in the name of the said 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 abovesaid amount of Rs.1,00,000/- 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 29.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Balbir

Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the petitioner has handed over the demand draft amounting to Rs.1,00,000/- to the concerned Investigating Officer and the Investigating Officer has also handed over the same to the complainant after getting receipt from her.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 29.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and also the fact that the petitioner has handed over the demand draft amounting to Rs.1,00,000/- to the concerned Investigating Officer and the Investigating Officer has also handed over the same to the complainant, the present petition is allowed and the interim order dated 29.10.2022 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.

15.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**