

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46981-2019 (O&M)
Date of Decision:-22.8.2022

Sarbjeeet Sharma	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhishek Singla, Advocate for the petitioner.
Mr. Siddharth Attri, AAG, Punjab.
Mr. Fatehjeet Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-5419-2022

In view of the reasons mentioned in the application, the same is allowed and copy of CD annexed with the application is taken on record as Annexure C-1 subject to all just exceptions.

CRM-M-46981-2019 (Main Case)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.173 dated 12.10.2019, Police Station Kot Bhai, District Sri Muktsar Sahib under Sections 420 of 120-B of Indian Penal Code.
2. The allegations, in nutshell, are that the petitioner had duped the complainant of an amount of Rs.14 lakhs on the pretext of returning double the said amount.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that infact it is a case where the petitioner had advanced an amount of Rs.1 lakh to the complainant as loan as would be evident from the affidavit dated 14.7.2017 (Annexure P-2) executed by the complainant.
4. Learned counsel for the petitioner submitted that since the complainant did not return the said amount, therefore, the petitioner was constrained to file a civil suit for recovery of the said amount alongwith interest and that accordingly a civil suit dated 25.3.2019 (Annexure P-3) was instituted. It has been submitted that shortly thereafter as a counter blast, the complainant lodged the instant FIR. It has thus been submitted that the matter basically arises out of a monetary dispute, which is being given the colour of a criminal offence.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since there are specific allegations against the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has joined investigation though no recovery of any amount has been effected.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case and the fact that the petitioner has already joined investigation, his custodial interrogation cannot be insisted upon merely on account of the fact that the amount alleged to have been defrauded, has not been recovered as the said allegations, in any case, are being disputed. The petition, as such, is accepted, and the interim directions issued by this Court vide order dated 25.10.2021 are hereby made

absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

22.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No