

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

206

CRM-M-4157-2022

Date of Decision: 27.03.2023

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Kulwant Singh Dhanora, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Shahensha)

Mr. Rahul Sharma, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 05.01.2023, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.48 dated 08.12.2021 registered under Sections 406, 498-A, 420, 120-B of Indian Penal Code, 1860 at Police Station NRI, Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1).

Counsel for the petitioner submits that there is a possibility of compromise between the parties.

Notice of motion.

On asking of the Court, Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab accepts

notice on behalf of the respondent-State. He is assisted by Mr. Rahul Sharma, Advocate for the complainant and he has instructions to submit that possibility of settlement can be explored.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 23.02.2022.

List on 12.07.2022, to await the report of Mediator.

Arrest of the petitioner shall remain stayed till the next date of hearing.”

On 05.01.2023, the following order was passed:-

“Learned State counsel submits that petitioner has not joined investigation. He further seeks time to file status report.

As there was no order to join investigation, it appears that the petitioner has not joined investigation.

Adjourned to 17.2.2023.

Meantime, keeping in mind law enunciated by Hon’ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2

Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, the petitioner is directed to appear before investigation officer on 10.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

On 10.03.2023, the following order was passed:-

“Learned counsel for the complainant submits that the petitioner has not returned 1700 Canadian dollar as well as gold articles.

On being confronted with this fact, learned counsel for the petitioner seeks time to get instructions from his client.

Adjourned to 27.03.2023.

Interim order to continue.”

Learned counsel for the petitioner has handed over Indian currency of Rs.1 Lac which is equal to 1700 Canadian Dollar as well as a gold ring to learned counsel for the private respondent.

Learned State counsel, on instructions from ASI Shahensha, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 05.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

27.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>