

2023:PHHC:074024

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

CRM-M-4327-2023

Date of Decision: 22.05.2023

RAJESH KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Rishu Garg, Advocate,for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 27.01.2023, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 002 dated 02.01.2023 under Sections 406 and 420 IPC registered at Police Station Kotwali Patiala, District Patiala.

Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner had received a sum of Rs.5 lac from the complainant on the false pretext of sending his daughter to abroad. In fact, the petitioner had raised loan for a sum of Rs.90,000/- from Ravinder Singh Bhatti. He had issued a cheque for a sum of Rs.1,15,000/- to Ravinder Singh Bhatti as a security cheque. The name of the beneficiary was not mentioned in the cheque of Rs.1,15,000/-. Even the complainant never presented the said cheque of Rs.1,15,000/- for encashment. The petitioner is 60 years old man and is not, in any manner, indulging in the business of immigration. The petitioner is not involved in any other case.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 22.05.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

- 2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.
- 3. Learned State counsel, on instructions from ASI Jeet Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.
- 4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 27.01.2023, vide which the petitioner has been granted interim bail, is made absolute.
- 5. Petition is allowed.

22.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No