

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-5945-2023

Date of decision : 04.05.2023

Jaswinder Singh

.....Petitioner

*Versus*

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.P.A.Dhaliwal, Advocate, for the petitioner.  
Mr.A.P.S.Tung, DAG, Punjab.  
Mr.Sanjeev Arora, Advocate, for the complainant.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.119 dated 28.09.2022 registered under Section 420 IPC at Police Station Badhni Kalan, District Moga.

(2) On 06.02.2023 this Court had passed the following order: -

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case as certain financial transactions between the petitioner and the complainant's real uncle namely Manjit Singh did not fructify; the petitioner has no other criminal case pending against him; the petitioner used to regularly take loans from the complainant's uncle – Manjit Singh; in the course of such transactions he had given certain blank cheques as security to said Manjit Singh; though the loan amount was returned by the petitioner to Harbans Singh who was Manjit Singh's partner the blank cheques given by the petitioner as security were misused by Manjit Singh as the same were handed over to the complainant who is Manjit Singh's real nephew and the FIR in question has been registered only to arm-twist the petitioner to repay the amounts which according to Manjit Singh are due towards the petitioner though they are not; the petitioner is not a travel agent and therefore there was no question of any promise by the petitioner to facilitate the complainant's immigration to Canada; the petitioner runs a small shop from where he sells electronic goods; no recovery is required to be made from the petitioner and that the petitioner is also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Mr.Arun Luthra, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State and Mr.Lovish Arora, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 04.05.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.119, dated 28.09.2022, registered under Section 420 IPC at Police Station Badhni Kalan, District Moga, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date in response to the afore submissions as also the averments made in the petition the State shall file a status report after consideration of which further orders shall be passed in the instant petition.”

(3) Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

(4) In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner’s abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 06.02.2023, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

04.05.2023  
shamsher

[DEEPAK SIBAL]  
JUDGE

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