

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:106414
CRM-M-6198-2023
Date of Decision: August 17, 2023

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Jattana, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 12.07.2023, following order was passed:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.0002 dated 06.01.2023 under Sections 420,465,467,468,471,120-B IPC registered at Police Station Joga, District Mansa.

Learned counsel for the petitioner submits that there is no allegation alleged against the petitioner in the FIR for defrauding any money. Keeping in view the allegations alleged therein that the complainant was defrauded on the pretext of providing job in FCI, learned counsel for the petitioner further submits that nothing has come on record so far in the investigation that the petitioner plead any role in giving any false hope of providing job to the complainant and all the allegations relate to co-accused Vipin Kumar hence, as the petitioner is ready to join the investigation and co-operate, he be granted the concession of anticipatory bail as no recovery of any sort is to be made from the petitioner keeping in view the facts and circumstances of the present case.

Learned State counsel on instructions from the Investigating Officer submits that the petitioner along with co-accused Vipin Kumar has been indulging themselves in illegal activities of collecting money on the pretext of providing job to various candidates and have defrauded them for which other FIRs have also been registered wherein there are specific allegations against

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the petitioner though in the present FIR, there is no specific allegation against the petitioner.

Learned counsel appearing on behalf of the complainant concedes that in the present case the money was given to co-accused Vipin Kumar and not the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case as noticed hereinbefore, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate especially when no recovery of any sort is to be effected from the petitioner especially keeping in view the allegation alleged in the present FIR that the money was given to co-accused Vipin Kumar by the complainant.

As the petitioner has undertaken to join the investigation and cooperate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 09.08.2023.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against

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the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

On instructions from H.C. Balwinder Singh, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 12.07.2023 and is no longer required for further investigation.

In view of the aforesaid, the order dated 12.07.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

August 17, 2023

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**(DEEPAK GUPTA)
JUDGE**

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