

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-7649-2023

Date of decision: 24.05.2023

ROHIT KUMAR

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.105 dated 15.11.2022 under Sections 406, 420, 120-B of IPC, 1860 registered at Police Station Sanaur, District Patiala.

Mr. Harneet Oberoi, Advocate has appeared and filed memorandum of appearance on behalf of complainant today in the Court and the same is taken on record. He undertakes to file *vakalatnama* in the Registry.

In terms of order dated 14.03.2023, learned counsel for the petitioner states that the petitioner has already deposited the amount of Rs.1,24,000/- by way of demand draft in the court of Ld. Judicial Magistrate Ist Class. He has also produced a copy of order dated 17.05.2023 passed by Ld. Judicial Magistrate Ist Class. The same is taken on record.

Learned counsel for the petitioner has also handed original cheque of Rs. 1,50,000/- and original affidavit to the learned counsel for the complainant in the Court. Copies thereof have been placed on the file. The same is taken on record.

On 14.03.2023, the following order was passed:-

“This is petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.105 dated 15.11.2022, under Sections 406, 420, 120-B IPC, registered at Police Station Sanaur, District Patiala.

Pursuant to order dated 14.02.2023 passed by this Court, Status Report by way of affidavit of Gurdev Singh, PPS, Deputy Superintendent of Police, Circle Patiala Rural, District Patiala (Punjab), on behalf of respondent – State of Punjab, has been filed in Court today, which is ordered to be taken on record.

Learned counsel for the petitioner submits that the allegations against the petitioner are that he handed over the cheque issued by the complainant to the co-accused Tarjinderpal Singh who encashed the same and transferred the amount of Rs.5,48,000/- in the account of the petitioner.

Learned counsel for the petitioner further submits that the amount was charged as commission for advancement of loan to the complainant. He is ready to hand over the second cheque and affidavit of the complainant to him. It is also submitted that co-accused Tarjinderpal Singh has been granted anticipatory bail by this Court in CRM-M-57742- 2022.

Learned State Counsel and learned counsel appearing for the complainant have opposed the petition submitting that only Rs.1,50,000/- was to be paid to the petitioner. He received two blank cheques, later gave one cheque duly filled in for an amount of Rs.5,48,000/- to co-accused Tarjinderpal Singh, who encashed the same and transferred the amount in the account of the petitioner. In this manner, the petitioner has cheated the complainant.

The documentary evidence shows that a sum of Rs.2,74,000/- has already been received by the complainant by way of Demand Draft, from co-accused Tarjinderpal Singh. The main thing which is to be seen is that the petitioner is ready to return the second cheque and affidavit of the complainant. The complainant himself agrees to pay the petitioner a sum of Rs.2,00,000/- as

commission for arranging the study loan for a family member of the complainant apart from Rs.50,000/-, which was given in cash.

Learned counsel for the petitioner states that the petitioner is ready to deposit a Demand Draft for a sum of Rs.1,24,000/- in the Court of learned Illaqa Magistrate to show his bona fide.

Adjourned to 24.05.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him to the satisfaction of the Arresting Officer/Investigating Officer, subject to the condition that he shall deposit a Demand Draft for a sum of Rs.1,24,000/- in the Court of Illaqa Magistrate from the date of receipt of certified copy of this order. In case of failure of deposit the Demand Draft as mentioned above, the order of grant of anticipatory bail would automatically stand vacated. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Gurmeet Singh, 395, Ludhiana submits that in compliance of the order dated 14.03.2023 the petitioner has already joined the investigation and he is not required for any custodial interrogation.

In view of above, the order dated 14.03.2023 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

24.05.2023
Kusum