

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

210

CRM-M-10535-2023 (O&M)

Date of decision: 06.09.2023

Kewal Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Mandeep Sindhu, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Nishant Sehgal, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. On 26.07.2023, this Court had passed the following order:-

“Learned counsel contends that the petitioner had pledged the gold ornaments with the complainant on 10.04.2021, in lieu of which he received an amount of Rs.7 lakhs, which he required for the purpose of sending his son abroad. The said amount was returned by way of RTGS to the complainant on 30.09.2021 along with interest, however, the pledged ornaments were not returned. In order to settle the matter, the petitioner had called the complainant to the house, wherein he agreed to return the same, but did not do so. Thereafter, FIR No.29 dated 24.02.2023 under Sections 420 and 406 IPC was got registered by the petitioner against the complainant. The anticipatory bail application filed by the complainant in the said FIR came to be dismissed vide order dated 17.04.2023 by this Court with costs of Rs.25,000/-, while noticing the fact that the complainant was involved in other cases and even though the matter had been referred to Mediation and Conciliation Centre and relying on the 4 orders passed therein, but the complainant had still not returned the gold as per the settlement. The complainant is involved in 5 more cases as detailed in para 7 of the petition. This matter was also referred to the Mediation and Conciliation Centre of this Court, however, the same failed as no amicable settlement could be arrived at. The petitioner is not involved in any

other case and is ready and willing to join investigation as and when required by the investigating agency.

Meanwhile, the petitioner is directed to join the investigation on or before 02.08.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 06.09.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Chamkaur Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 26.07.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

06.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No