

2023:PHHC:087940

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

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CRM-M-12788-2023 (O&M)
Date of decision: 13.07.2023

Gurpreet Singh Chauhan and Another

....Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Bawa, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 15.03.2023, this Court had passed the following order:-

“The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.11 dated 19.12.2022 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 at Police Station NRI, District Ferozepur.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The allegations against the petitioners are that the petitioners have cheated the complainant for an amount of Rs.14,32,000/- on the pretext of sending his daughter-in-law to Australia. In fact, Visa of the daughter-in-law of the complainant was duly applied but the same was rejected by the Australian Authorities in which there was no fault on the part of the petitioners. Out of total amount of Rs.14,32,000/- amount of Rs.7,50,000/- which was paid to the college at Australia as tuition fee was refunded to the complainant. Thereafter, a compromise was effected between the petitioners and complainant and as per the compromise the petitioners are ready to pay an amount of Rs.6,75,000/- to the complainant and out of the said amount, Rs.1,00,000/- has already been paid to the complainant vide demand draft No.043173 dated 17.01.2013 but after receiving amount of Rs.1,00,000/- the complainant backed out from the compromise. The petitioners are ready to settle the matter with the complainant and to prove their bonafides they are ready to pay amount of Rs.5,00,000/- to the complainant. The petitioners are also ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Senior D.A.G., Punjab, has accepted notice on behalf of

respondent No.1-State and seeks time to complete his instructions.

Adjourned to 25.05.2023.

In the meanwhile, the petitioners are directed to join the investigation and appear before the Investigating Officer within 15 days from today and on their doing so, the petitioners shall be released on interim anticipatory bail subject to their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.

The petitioners, as per their offer, shall also handover a demand draft amounting to Rs.5,00,000/- in favour of the complainant to the Investigating Officer, without prejudice to their rights and outcome of the trial. The same shall be handed over to the complainant by the Investigating Officer against proper receipt of the same.

It is, however, made clear that in case the demand draft amounting to Rs.5,00,000/- is not handed over to the Investigating Officer within 15 days from today, the aforesaid order qua grant of interim bail shall be deemed to have been recalled.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency and had complied with the order of handing over the demand draft. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from SI Navdeep Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency as well as the draft having been received in terms of above-mentioned order. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 15.03.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

July 13, 2023
M.Kamra

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