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

CRM-M-14102-2023 (O&M)

Date of decision : 24.08.2023

Mohan Lal

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishal Nehra, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Balwinder Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioner in FIR No.7 dated 24.01.2023, under Section(s) 406 & 420 of the Indian Penal Code, 1860; and Section 24 of the Emigration Act, 1983; registered at Police Station Garhdiwal, District Hoshiarpur.

2. Above FIR was registered on the basis of statement made by one Kuldeep Singh with the allegations that petitioner and his co-accused induced the complainant to pay Rs.2,50,000/- for sending him to Canada.

3. The Coordinate Bench, on 20.03.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.7 dated 24.1.2023 registered under Sections 406, 420 IPC and Section 24 of Immigration Act at Police Station Garhdiwal, District Hoshiarpur.

Counsel for the petitioner inter alia contends that the petitioner is a poor labourer and is under matriculate and never received amount of ₹ 2.5 lakh as alleged in the FIR from the complainant or promised to send complainant-Kuldip Singh to foreign country. He further submits that actually, the petitioner borrowed ₹ 30,000/- from the complainant and when he failed to repay the same, the petitioner is falsely implicated in the present case by the complainant. He further submits that the petitioner is ready to join the investigation with the police.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and on instructions from ASI Satpal Singh submits that the petitioner took amount of ₹2.5 lakhs on the pretext of sending the complainant to foreign country but he failed to fulfill his promise and also refused to return the money. State counsel prays for time to seek necessary instructions as to whether any receipt was handed over by the petitioner to the complainant while receiving the aforesaid amount of ₹ 2.5 lakhs.

Now be listed on 25.7.2023.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction and subject to deposit of ` 50,000/- by the petitioner with the concerned Illaqa Magistrate within next 20 days, till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

The receipt regarding deposit of the aforesaid amount be produced before this Court on the next date of hearing.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 20.03.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending application(s), if any, shall stand disposed off.

24.08.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No