

2023:PHHC:053376

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

212

**CRM-M-14057-2023 (O&M)
Date of decision: 18.04.2023**

DILBER MASIH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arun Takhi, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. H.S. Rakhra, Advocate
for the complainant.

AMAN CHAUDHARY. J.

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.28 dated 01.03.2023, registered under Sections 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 at Police Station Bullowal, District Hoshiarpur.

2. On 20.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.28 dated 01.03.2023, registered under Sections 420, 120-B IPC and Section 13 of the Punjab Travel Professional (Regulations) Act, 2014 at Police Station Bullowal, District Hoshiarpur.

Learned counsel contends that petitioner, a doctor is a partner in Mother Marry Hospital, Sham Chaurasi, District Hoshiarpur and is not in the business of travel agent. The role assigned to the petitioner is of having introduced his friend Shaukat Ali, who resides in Russia with the complainant to get help for his son to settle there. The son of the complainant as promised by Shaukat Ali, was helped to reach and settle in Russia, where he worked for 1 and a half years and thereafter,

he shifted his residence to Greece through Bittu Sahota, who is a travel agent and had taken money from the complainant in that regard. A cheque in the name of the aforesaid person had also been given by the complainant which was also dishonoured, regarding which a complaint under Section 138 of the Negotiable Instrument Act is also pending, but the complainant had not participated in the proceedings. The petitioner has not received any amount from the complainant. Other than the present case, there has been no such allegation against the petitioner that he is involved in any other case of such nature or there is no other criminal case against the petitioner. Learned counsel submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 28.03.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance 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 18.04.2023.”

3. Learned counsel for the petitioner submits that in pursuance of order dated 20.03.2023, of this Court, the petitioner has not only joined investigation but has 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.

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

5. 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 20.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

April 18, 2023

M.Kamra

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