

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-18431 of 2022(O&M)
Date of Decision: 02.05.2023****Navreet Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH****Present:- Mr. G.S. Verma, Advocate
For the petitioner.****Mr. C.L. Pawar, Addl. AG Punjab.***********KARAMJIT SINGH, J.**

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 18 dated 09.04.2022, registered under Section 420 IPC, Section 24 of Immigration Act and under Section 13 of Punjab Travel Professionals (Regulations) Act, 2014 at Police Station Sudhar, District Ludhiana.

2. The counsel for the petitioner submits that there was dispute between the parties with regard to amount of Rs.5,00,000/-, out of which payment of Rs.4,25,000/- is already made to the complainant by the petitioner. The counsel for the petitioner further submits that the petitioner is ready to hand over the balance amount of Rs.75,000/- to the complainant. The counsel for the petitioner further submits that on the last two dates, direction was given to the Investigating Officer to produce the complainant in Court to get verify the factum of aforesaid payment of Rs.4.25,000/-. The counsel for the petitioner further submits that the complainant failed to appear in this Court in compliance of the said direction. That even the

Investigating Officer has specifically informed the complainant with regard to aforesaid direction vide GD No. 14 dated 30.04.2023 whose copy is placed on record. The counsel for the petitioner further submits that petitioner has also joined the investigation with the police.

3. The present petition is resisted by the State counsel, who on instructions from ASI Jaswinder Singh has not disputed the fact that petitioner has joined the investigation with the police in compliance of the previous order of interim bail passed by this Court. The State counsel further apprised the Court that despite due notice, the complainant has failed to appear today in the Court.

4. I have considered the submissions made by counsel for the parties.

5. As per the allegations recorded in the FIR, the petitioner took money from the complainant on the pretext of sending him abroad but thereafter the petitioner failed to fulfill his promise and also refused to return the money.

6. The plea of the petitioner is that only dispute between the parties was with regard to payment of Rs.5,00,000/- out of which the petitioner made payment of Rs.4,25,000/- to the complainant and is also ready to make payment of balance amount of Rs.75,000/-. In order to get verify the aforesaid facts, complainant was asked to appear in Court through the Investigating Officer. It appears that despite due notice the complainant has not turned up to controvert the aforesaid plea taken by the petitioner.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and interim order dated 02.05.2022 is made

absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
and also subject to deposit of Rs.75,000/- by the petitioner in the Court of
Illaqa Magistrate within next 15 days which will be subject to the final
decision of the trial.

**(KARAMJIT SINGH)
JUDGE**

02.05.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No