

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

CRM-M-18002 of 2023

Date of decision-03.07.2023

Surinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nitin Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.175 dated 15.09.2022 under Sections 406, and 420 of Indian Penal Code, 1860 and Section 24 of Immigration Act 1924 registered at Police Station City Jagraon, District Ludhiana Rural. The petitioner apprehended his arrest at the hands of Police.

Status report by way of affidavit of Satvinder Singh Virk, PPS, DSP, Jagraon District Ludhiana (Rural) has been filed on behalf of respondent-State of Punjab.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 18.04.2023, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner (Surinder Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.175 dated 15.09.2022, under Sections 406 & 420 of the Indian Penal Code and Section 24 of the Immigration Act, registered at Police Station City Jagraon, District Ludhiana Rural.

Succinctly, the instant FIR No.175 dated 15.09.2022 was

registered at the behest of complainant, namely Sohan Singh, alleging that on 12.07.2019, he had given an amount of Rs. 80,000/- to the petitioner Surinder Singh (Agent), in order to send his son to Dubai, whereupon the complainant got a pronote and receipt executed from the petitioner, as guarantee. It is stated that though the petitioner assured the complainant to send his son abroad, but to no effect and thereafter, whenever the amount was demanded back from the petitioner, he used to put off the matter, and now he has clearly refused to return the money to complainant.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR No.175 dated 15.09.2022 at the behest of complainant, namely Sohan Singh. It is further submitted that neither the petitioner is a travel agent nor any money has taken by him from the complainant, as alleged in the instant case. In fact, the petitioner had introduced the complainant with one travel agent, namely Pritpal Singh, and had assured the complainant that the said Pritpal Singh will send his son to Dubai. However, when Pritpal Singh failed to do so, the petitioner executed a pronote and receipt in favour of the complainant, considering it to be his moral duty, as he had introduced the complainant with Pritpal Singh. Learned counsel contends that in fact a bare perusal of the FIR would show that the matter in hand is a civil dispute, which has been given the colour of criminal nature.

Learned counsel for the petitioner states that the anticipatory bail application moved by the petitioner before the Court of Additional Sessions Judge, Fast Track Special Court, Ludhiana, has wrongly been dismissed, vide order dated 17.10.2022 (Annexure P-2). Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

At the asking of Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

List on 03.07.2023.

Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating

Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Balraj Singh does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 18.04.2023 is made absolute.

(MANOJ BAJAJ)
JUDGE

03.07.2023

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	Whether Reportable :	Yes	Non