

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-26517-2023 (O&M)  
DECIDED ON: 04.12.2023

RAHUL GUPTA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. J.K. Singla, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. S.S. Bhinder, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Sections           | Police Station              |
|---------|------------|--------------------|-----------------------------|
| 84      | 26.04.2023 | 420 and 506 of IPC | Sadar Mansa, District Mansa |

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 29.05.2023, passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions, from ASI Gurdev Singh, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. However, the learned counsel for complainant has opposed the bail by submitting that the recovery of amount has not been effected, hence petitioner is not entitled to bail.

5. During the course of hearing on 29.05.2023, this Court has passed the following order:-

*“Counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and as per allegations recorded in the FIR, the complainant made payment of Rs.36 lakh in total along with his passport to the petitioner who is running the business of travel agent in New Delhi and the petitioner promised to send the complainant to foreign country but later on, the petitioner failed to fulfill his promise and also refused to return the passport and money given by the complainant to him. He further submits that the complainant failed to produce any document to show that payment of Rs.36 lakh was ever made by him to the petitioner and that this fact is also recorded by the police in its investigation as is there in FIR (Annexure P-1). He further submits that even while dismissing the bail application moved by the petitioner under Section 438 of Cr.P.C., the Court of Sessions Judge observed that there is no document to show payment of money by the complainant to the petitioner. He further submits that the petitioner, who is having no criminal history, is ready to join the investigation with the police.*

*Counsel appearing on behalf of the complainant submits that entire payment of Rs.36 lakh was made in cash to the petitioner by the complainant by selling his different plots and copies of the said sale deeds are also provided to the police.*

*State counsel on instructions from ASI Kewal Singh submits that verification regarding said sale transactions will be done by the next date of hearing.*

*Now be listed on 12.9.2023.*

*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 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.*

*In the meantime, State counsel is directed to verify the aforesaid sale transactions and to submit its report in this regard by the next date fixed in the present petition.”*

6. So far as the contention of complainant is concerned, that is still debatable and could only be crystalised after the trial is over. However, keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.05.2023 passed by this Court, interim bail granted vide order dated 29.05.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

**04.12.2023**

*Jatin*

**(SANJIV BERRY)  
JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |