

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

211

CRM-M-27311-2023 (O&M)

Date of decision: 17.07.2023

Chamkaur Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Manipal Singh Attwal, DAG, Punjab.

Mr. Dharam Pal, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. On 08.06.2023, this Court had passed the following order:-

“The petitioner has filed the present petition for grant of anticipatory bail in case FIR No. 80 dated 3.5.2023, under Sections 420, 406, 347, 365, 120-B IPC, registered at Police Station Lehra, District Sangrur.

The complainant levelled the allegations against Harmail Singh Nangla alias Gona, Jaspal Kaur, Hardev Kaur and the present petitioner, to the extent that all the accused had taken the complainant into their trap by giving intoxicant things and cheated him with an amount of Rs 32 lacs and by playing fraud sold the entire land of the complainant and also usurped the entire sale proceeds. He further alleged that all the accused dishonestly induced him to sell his Swift Car, truck and motorcycle on the pretext that in exchange he will get one house near ITI, Patiala and he will get income of Rs 50,000/- per month. However, neither the accused persons returned the sale proceeds nor provided house at Patiala.

Learned counsel for the petitioner submits that the allegations levelled against the petitioner are false and earlier an inquiry was conducted by DSP, PBI, Sangrur and no incriminating material elicited against the petitioner. There is no evidence on record that the

petitioner has ever come in contact with the complainant. There is no allegation that the petitioner ever dishonestly induced the complainant to sell his property. Furthermore, reading of FIR does not attract the provisions of Section 347 and 365 IPC.

Mr. Dharam Pal, Advocate, has put in appearance on behalf of the complainant and opposed the grant of anticipatory bail to the petitioner and stated that the petitioner remained in touch with the complainant and was very much involved with the other accused persons.

Learned State counsel, on instructions from ASI Harbans Singh, submits that the main accused Harmail Singh and Jaspal Kaur have already been arrested.

Considering the above submissions, it is appropriate at this stage to enlarge the petitioner on interim anticipatory bail.

Notice of motion for 10.7.2023.

In the meanwhile, the respondent-State shall file status report.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but 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.

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

4. 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 08.06.2023 granting interim bail to him, is

hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

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

17.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No