

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

CRM-M-29034-2022

Date of Decision: 07.12.2023

HARPREET SINGH WALIA ALIAS SONU WALIA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurav Singla, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No. 0078 dated 10.04.2022 under Section 420 IPC registered at Police Station City Kapurthala, District Kapurthala.

2. Vide order dated 05.08.2022, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“The FIR was lodged at the instance of Vijay Kumar, wherein it is alleged that he had been defrauded of an amount of Rs.2.5 lakhs by the petitioner, who had held out a representation that he could get the complainant’s daughter employed in Railway Department. It is further alleged that out of the said amount of Rs.2.5 lakh an amount of Rs. 2 lakhs was deposited in the bank account of the petitioner i.e. Account No.103034001000797.

Learned counsel for the petitioner submitted that the allegations as levelled in the FIR are absolutely false and concocted and infact the FIR has been lodged by Vijay Kumar at the behest of Gurbaksh Singh, with whom the petitioner had some transactions in the year 2016 pertaining to sale of some car as the petitioner is a car broker/dealer.

Learned counsel for the petitioner submitted that in the year 2016 Gurbaksh Singh had approached the petitioner for sale of his car, which was agreed to be sold for an amount of Rs.1.5 lakhs to the petitioner, which was

duly paid by the petitioner to the said Gurbaksh Singh but subsequently when Gurbaksh Singh due to change of mind, wanted to get back the said car, the car was returned back to Gurbaksh Singh with a condition that Gurbaksh Singh would have to pay an additional amount of Rs.50,000/- as penalty for not honouring the agreement as is the practice prevalent in the Car Dealers Association.

Learned counsel for the petitioner submits that said Gurbaksh Singh had thus paid the said amount of Rs.2 lakhs by depositing the same in his bank account No.103034001000797 and got his car back but always held a grudge against the petitioner for having made him to shell out an extra amount of Rs.50,000/- and now in order to settle scores he has used the aforesaid transaction of Rs.2 lakhs made in the year 2016 by projecting Vijay Kumar as a complainant in the present FIR. .”

3. Learned counsel for the petitioner submits that in compliance of order dated 05.08.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel on instructions from ASI Satnam Singh does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 05.08.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
(JUDGE)

07.12.2023

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