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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-34441-2022****Date of Decision: 20.02.2023**

Satnam Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0142 dated 10.11.2021, registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1).

On 05.08.2022, the following order was passed by a co-ordinate Bench of this Court :-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0142, dated 10.11.2021, Police Station Sadar Gurdaspur, under Sections 420, 406 and 120-B of Indian Penal Code.

The FIR was lodged at the instance of Tarlochan Singh, wherein it is alleged that one Rajwinder Kaur and her husband Vikas Kumar had represented to the complainant that they could send his children to ‘Canada’ and the petitioner, being taken in by the said representation, handed over passports of his two children and also paid an amount of Rs.18 lakhs. It is alleged that the complainant was, however, provided Visas, which were found to be forged. During the course of inquiry, the police found that two agents namely Narinderpal Singh and Sukhjinder Singh were involved, who were maintaining phone

numbers 73408-76716 and 70878-27800 respectively. The police collected details of the said SIM cards and also the call-details record and it transpired that the SIM card being used by Narinderpal Singh i.e. 73408-76716 had been issued in the name of Satnam Singh (petitioner).

Learned counsel for the petitioner submits that there is no allegation whatsoever against the petitioner as regards having held out any false representation or having accepted any amount from the complainant or from anybody else or for having done any overt act and that the mere fact that the SIM card had been issued in his name as is claimed by the prosecution, cannot establish that the petitioner is also involved in the alleged fraud.

Notice of motion for 20.2.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from Inspector ASI Sohan Lal has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 05.08.2022 by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

20.02.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No