

206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 23.01.2023
CRM-M-37772-2022

AMARDEEP KUMAR ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CRM-M-37785-2022

LALJIT @ LALJIT SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Digvijay Singh Dalal, Advocate
for the petitioner in CRM-M-37772-2022.

Mr. D.S.Bhinder, Advocate
for the petitioner in CRM-M-37785-2022.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

On 25.08.2022, following order was passed in the main cases:-

“Prayer in these petitions, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner(s), namely, Amardeep Kumar (in CRM-M-37772-2022) and Laljit @ Laljit Singh (in CRM-M-37785-2022), who have been booked for having committed the offences punishable under Sections 384, 506 and 34 IPC, in a case arising out of FIR No. 187, dated 31.07.2022, registered at Police Station Civil Lines, Bathinda, District Bathinda.

Learned counsel submit that there is no direct evidence against both the petitioners herein. Moreso, there was no occasion for the petitioners to prepare the alleged video of the examinations going on at the tuition centre, as alleged by the complainant. Otherwise also, the institution/premises where the tuition centre is being run by the complainant party, is not a public place or a government institution. It is unbelievable that how the petitioners could blackmail the complainant party by making video of their tuition centre and why the complainant would pay them Rs.1,10,000/- in cash. Apart the version given by the complainant party in the FIR, till date there is no independent evidence collected by the police.

Notice of motion.

On the asking of the Court, Mr. J.S. Arora, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and prays for some time to seek instructions.

Adjourned to 17.10.2022.

In the meanwhile, both the petitioners are directed to join the investigation as and when required to do so by the Investigating Agency. In the event of their arrest, petitioners shall be released on ad-interim bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioners shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

A photocopy of this order be placed on the file of connected case.”

Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation and they were not involved in conducting any sting operation and have not received any amount as alleged by the complainant.

Learned State counsel has not disputed the fact that the petitioners have joined the investigation but has stated that amount of Rs.60,000/- has to be recovered from petitioner-Amardeep Kumar.

The controversy as to whether any amount allegedly received from the complainant or was actually paid to petitioner-Amardeep Kumar or not will be a debatable and moot point during the course of trial. Both the petitioners have joined the investigation. As such, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners.

Accordingly, order dated 25.08.2022, vide which the petitioners have been granted interim bail, is made absolute.

Petitions are allowed.

23.01.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No