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

**CRM-M-37996-2023
Date of decision : 17.11.2023**

Sharan Kalia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raghav Soni, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Prateek Sodhi, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 20.10.2023, the following order was passed :-

"1 This petition is filed for grant of anticipatory bail in FIR No.215, dated 07.07.2023, under Sections 420 of Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Islamabad, District Amritsar.

2 The brief fact are that FIR was registered by Shenshah Rajbir Singh. The allegations are that the petitioner along with co-accused who are running M.D. Overseas Consultancy ostensibly received sum of ₹3,00,000/- on the pretext of sending his brother-in-law abroad. Neither the needful was done nor the money was returned.

3. On 16" October, 2023, following order was passed"

"1. Learned counsel for the petitioner on

instructions submits that petitioner to show his bonafide and in step to amicably settle the issue, is ready to deposit ₹1,50,000/- with the Illaga Magistrate, subject to outcome of the trial. He seeks time to do the needful.

2. *On request, list on 20th October, 2023.*

3. *In the eventuality of petitioner approaching the Illaga Magistrate for depositing ₹1,50,000/-, the same shall be deposited."*

4. Learned counsel for the petitioner submits that to show his bona fide, the amount of ₹1,50,000/- stands deposited. He further submits that it is a case of false implication, financial dispute was coloured as criminal act and petitioner is not involved in any other case.

5. Learned State counsel opposes the prayer.

6. Learned counsel appearing for the complainant has no objection if the anticipatory bail is granted to the petitioner.

7. Without commenting on the merits of the case, considering that petitioner to show his *bona fide* has deposited half of the alleged amount received by him, at this stage no case is made out for custodial interrogation, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.PC.

8. List on 17th November, 2023.

9. The amount deposited, shall be kept in FDR in a Nationalized Bank fetching higher rate of interest."

2. Counsels representing the petitioner as well as complainant are

ad idem that the petitioner has indeed deposited the requisite amount.

3. Ld. State Counsel on instructions from ASI Baljit Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 20.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

9. Petition stands disposed off accordingly.

November 17, 2023	(Pankaj Jain)
Dpr	Judge

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