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211 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-45638-2023 (O&M)

Date of decision : 07.11.2023

Sukhcharanjit Singh @ Sahil

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Amarpreet S. Bathindewala, Advocate,  
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,  
for the respondent.

**MAHABIR SINGH SINDHU, J.**

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.0193 dated 21.07.2023, under Section 420 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Bathinda.

2. Above FIR was registered on the basis of statement made by one Amrik Singh with the allegations that petitioner has cheated him by taking an amount of Rs.3,50,000/- on the pretext of sending him abroad (Poland) for work.

3. The Co-ordinate Bench, on 13.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

*“The present petition has been filed under Section 438 Cr. P.C. For grant of pre-arrest bail to the petitioner in case FIR No.193 dated 21.07.2023, registered under Section 420 IPC at Police Station Civil Lines, Bathinda.*

*Learned counsel contends that the petitioner has a firm by the name of Anglo Immigration Consultant, which is registered under the Indian Partnership Act wherein it is specifically mentioned that it is involved in the work of immigration. He had taken an amount of Rs.2.5 lac from the complainant for providing him work permit for Poland, which was got obtained by him from BKW Profood, Poland, documents regarding which are referred to as Annexures P-2 and P-3. Even a Police clearance certificate as annexed as Annexure P-3 was also got by the petitioner for the complainant, as promised. Thus, the petitioner had done the work for which he had taken the amount. However, it is the complainant who refused to go Poland due to Covid-19 pandemic, and the same being an act of God, cannot make the petitioner liable for the complainant not being able to use of the contract of employment Annexure P-3. Even Rs.40,000/- as Embassy fee and Rs.20,000/- to BKW Profood were paid by the petitioner. The FIR has been lodged after two and a half years on the complaint that was submitted by the complainant approximately 18 months after having paid the amount. The petitioner is not involved in any other case. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.*

*Notice of motion.*

*At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State.*

*Meanwhile, the petitioner is directed to join the investigation on or before 21.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.*

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*However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.*

*Adjourned to 07.11.2023. ”*

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from SI Buta Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 13.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

**07.11.2023**  
adhikari

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

Whether speaking / reasoned :  
Whether Reportable :

|     |    |
|-----|----|
| Yes | No |
| Yes | No |