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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 46282 of 2023
Date of decision:- 07.11.2023

JASPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amandeep Singh, Advocate for the petitioner.

Mr. J.S. Guru, AAG, Punjab

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
86	21.06.2018	420, 120-B IPC	Gidderbaha, District Sri Muktsar Sahib

2. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He further submits that intially FIR was registered against Jaspreet Singh (present petitioner) and Gurwinder Singh (co-accused) on the application of Simranjit Singh alleging that after hatching a criminal conspiracy, cheated the complainant and received Rs. 17.00 lacs for sending

him to Canada but they neither sent the complainant nor returned the amount. He further submits that during investigation, the petitioner was declared innocent; challan was not presented against him and now he has been summoned on the basis of application preferred under Section 319 Cr.P.C moved by the complainant/prosecution. Once, it is established on record that the petitioner is innocent and not the beneficiary of the amount in question and it is only the co-accused who have committed fraud with the complainant; the petitioner has been implicated again just to harass and settle his scores. He further submits that petitioner is ready and willing to join the investigation and prays for concession of bail to the petitioner.

3. Learned State counsel on the other hand opposed the bail application and prayed for its dismissal considering the serious nature and gravity of the offence.

4. After considering the rival contentions and perusing the available record, it is not disputed that after registration of the case, thorough investigation in the matter was conducted and challan was presented only against the co-accused while the petitioner was kept in column No.2 as innocent in the challan. Admittedly, during the course of trial, the petitioner has been summoned on the basis of application under Section 319 Cr.P.C having been moved. The petitioner having joined the investigation/inquiry prior to the presentation of challan and declared innocent therein by the police, as such he is not required for any custodial interrogation in the case. Trial against the co-accused is already going on wherein the petitioner has been summoned as additional accused to face the trial pursuing to the application under Section 319 Cr.P.C having been

moved therein.

5. Resultantly, without commenting on the merits thereof, the present petition is, hereby, allowed and the petitioner is directed to join the investigation within seven days from today and in the event of arrest of the petitioner, the petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.
6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)

JUDGE

07.11.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No