

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47661-2023 (O&M)
DECIDED ON: 04.12.2023

SUKHVINDER SINGH
...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY.

Present: Mr. Kawalpreet Singh Virk, Advocate
for the petitioner.

Mr. Surender Singh, Asst. AG, Haryana.

Ms. Veena Hooda, Advocate
for respondent No.2.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
336	21.08.2023	406 and 420 of IPC	Sector 13/17, District Panipat

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 21.09.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the

petitioner may be confirmed. Learned counsel for the petitioner further submits that the petitioner has not returned the amount.

3. Learned State counsel, on instructions from SI Birender, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 21.09.2023, this Court has passed the following order:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.336 dated 21.08.2023, registered at Police Station Sector 13/17, District Panipat, under Sections 406 and 420 IPC.

Learned counsel for the petitioner contends that the petitioner is a relative of the complainant; that son of the petitioner is a resident of Canada; that the petitioner had merely introduced the complainant to coaccused, namely, Sushil Mehta; that on 20.11.2021, an amount of Rs.6 lakh was deposited by the uncle of the complainant in the account of the petitioner, but he had deposited an amount of Rs.5 lakh in the account of the co-accused and given Rs.1 lakh in cash to him (co-accused) on the same date, on the asking of the complainant, and that the petitioner had not taken even a single penny either from the complainant or from the co-accused. It is further submitted that since visa could not be arranged for the complainant's family, a panchayat was convened and with the intervention of the petitioner, a cheque amounting to Rs.18 lakh was handed over by the co-accused to the complainant. It is further submitted that the aforesaid cheque was never presented in the bank.

Notice of motion.

On the asking of this Court, Mr. Rahul Dev Singh, Addl. A. G. Haryana, accepts notice on behalf of respondent No.1-State. At this stage, Ms. Veena Hooda, Advocate, puts in appearance and files her power of attorney on behalf of the complainant, which is taken on record.

Learned State counsel and learned counsel for the complainant submit that the petitioner and the co-accused had cheated the complainant.

I have heard the learned counsel for the parties.

When visa could not be arranged for the complainant's family, a panchayat was convened and as stated above, with the

intervention of the petitioner, a cheque amounting to Rs.18 lakh was handed over by the coaccused to the complainant as not disputed by learned counsel for the complainant, this Court finds that no useful purpose would be served by sending the petitioner to custody.

Adjourned to 04.12.2023.

Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 21.09.2023 passed by this Court, interim bail granted vide order dated 21.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

04.12.2023

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(SANJIV BERRY)
JUDGE

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