

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

201

CRM-M-54909-2022 (O&M)

Date of decision: 15.09.2023

Jony Bankel

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sukhjit Singh, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. SK Liberhan, Advocate for respondent No.2.

AMAN CHAUDHARY, J.

1. On 15.05.2023, this Court had passed the following order:-

“By way of filing the instant petition under Section 438 of Cr.P.C., the petitioner has approached this Court seeking anticipatory bail in case F.I.R. No.0318 dated 31.10.2022, under Section 420 of IPC, registered at Police Station Phillaur, District Jalandhar (Rural).

Learned counsel for the petitioner inter alia submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that only a sum of Rs.2,00,000/- was given by the complainant to the petitioner for arranging the VISA on the basis of 'Nanny', for which there was a requirement of clearing 'ILETS' examination and thereafter he applied for the VISA of the daughter of the complainant and since the daughter of the complainant failed to clear the ILETS examination and secured 3.5 bands, which is not upto the mark for the grant of said VISA, therefore, a false complaint was made by the complainant to the police and resultantly instant FIR has been registered. He further submits that the petitioner has already returned a sum of Rs.1,25,000/- to the complainant and as on date no payment is due.

Adjourned to 15.09.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.

2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the court.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Jai Gopal affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. She also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 15.05.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

15.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No