

CRM-M-52759-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-52759-2023
Date of decision: 17.10.2023

JOGA SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gursimran Singh Bhatia, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.258 dated 03.10.2023, registered at Police Station Jandiala, Amritsar Rural, under Section 420 IPC.

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. As per the allegations of the complainant, the petitioner had taken an amount of Rs.2.5 lakh from him by assuring that the petitioner would get employed in the police department. However, the petitioner has no connection with any police officer or any police authority, as such. In fact, the wife of the petitioner is the Sarpanch of village. In connection to that, the complainant might have called the petitioner in relation to some work. The petitioner had only responded to that request made by the complainant. However, there was no such

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interaction between the petitioner and the complainant relating to any assurance of providing job to the complainant. No other case is pending against the petitioner. The petitioner shall join the investigation as and when called by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

4. On the asking of this Court, Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State.

5. It is submitted by counsel for the State, being instructed by SI Dharminder Singh that the petitioner has committed cheating with a poor person by assuring him appointment in the police department by using foul means. Therefore, the petitioner has committed very heinous crime. However, it is not disputed that there is no substantive evidence qua making payment by the complainant to the petitioner either through digital means or in presence of any witness. It is also not disputed that there is no other case pending against the petitioner.

6. In view of the above, but without commenting any further on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.10.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No