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

CRM-M-56587-2022

Date of Decision: 14.02.2023

Gurpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Vijay Rana, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0168 dated 14.10.2021, registered under Sections 420 and 406 of the Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station City Nakodar, District Jalandhar.

On 23.01.2023, the following order was passed by this Court :-

“CRM-2683-2023

The instant application has been filed under section 482 Cr.P.C for impleading the complainants Smt. Sarabjit Kaur and Sh. Khushpreet Singh as respondent Nos.2 and 3 in the main petition, whose particulars are mentioned in para No.3 of the application.

For the reasons mentioned in the application, the same is allowed. Amended memo of parties is taken on record subject to all just exceptions. Registry to take necessary steps accordingly.

CRM-M-56587-2022

Prayer in the present petition, filed under Section

438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.0168 dated 14.10.2021 registered under Sections 406 and 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station City Nakodar, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner is an innocent person and has falsely been implicated in the present case only on the basis of complaint filed by one Sarabjit Kaur with the allegations that the petitioner had talked to Harkrishan son of the complainant and one Khushpreet to send them abroad for an amount of Rs.11,00,000/- and out of which Harkrishan son of the complainant made the payment for an amount of Rs.4,00,000/- and Khushpreet made the payment for an amount of Rs.2,00,000/- but the petitioner neither sent them abroad nor returned the amount. Learned counsel for the petitioner submits that Harkrishan son of the complainant and said Sh. Khushpreet were acquainted with the petitioner and they time and again requested the petitioner if he knows any travel agent, who can sent them abroad. It is submitted that the petitioner introduced them with an agent at Jalandhar and they talked to him to send them abroad and the said agent demanded an amount of Rs.1,20,000/- each, out of which they made the payment of Rs.70,000/- each to the said agent but due to Covid-19 lock down imposed worldwide their visa could not be arranged by the said agent and thereafter the complainant party started proclaiming that they do not know about the said agent and they started demanding money from present petitioner. It is submitted that though the story of the prosecution is vague and baseless, yet the bail application moved by him under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Jalandhar, vide order dated 14.11.2022. Learned counsel also submitted that the

petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Learned State counsel opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence.

List on 14.02.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

Let notice be issued to respondent Nos.2 and 3 for the date fixed."

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Nachatter Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

It is submitted that co-accused have already been granted regular bail and since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 23.01.2023 by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down

under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

14.02.2023
Himani

(HARSH BUNGER)
JUDGE

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