

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-56107-2023 (O&M)

Date of Decision: 19.12.2023

SIMRANJIT SINGH ARORA AND ANOTHER

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Thakur, Advocate
for the petitioners.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioners are seeking anticipatory bail in case FIR No. 166 dated 18.08.2023 registered under Sections 420, 406, 120-B of Indian Penal Code and Section 13 of Punjab Travel Professional (Regulation) Act, 2014 at Police Station Division No. 6, District Jalandhar Commissionerate.

2. On 07.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioners in FIR No.166 dated 18.08.2023 registered under Sections 420, 406, 120-B IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014 at Police Station Division No.6, District Jalandhar Commissionerate.

Learned counsel for the petitioners, inter alia, contends that that they have been falsely implicated by the complainant on the allegation that the petitioners had committed a fraud upon her to the tune of Rs.12,51,300/- on the pretext of sending her Canada.

It is further contended that with regard to allegation of taking an amount of Rs.2,50,000/- as alleged by the complainant, Navjot Kaur, who is the relative of the complainant has already lodged an FIR against the petitioners. Further, the amount of GIC, which was deposited in the Scotiabank has already been returned by depositing the same in the account of the complainant. Admittedly, the said amount was deposited in the account of one Sukhwant Singh. Moreover, the case of the prosecution is based on the documentary evidence, which is already in the possession of the investigating agency and therefore, custodial interrogation of the petitioners is not required.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioners.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioners are directed to appear before the Investigating Officer on or before 24.11.2023 and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 13.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Dilbag Singh, submits that in compliance of order dated 07.11.2023 passed by this Court, the petitioners have joined the investigation on 13.11.2023 and are not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 07.11.2023, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

19.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No