

204-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:157536
CRM-M-56404-2023
Date of Decision: December 08, 2023

Kaka Singh Mistry @ Joginder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tanvir Joshi, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 08.11.2023, the following order was passed by this

Court:-

“By way of this petition under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.162, dated 29.09.2023, under Sections 420, 120-B of IPC and Section 66(D) of the Information Technology Act, 2000, registered at Police Station City-1, Mansa, District Mansa.

At the outset, learned counsel for the petitioner has drawn attention towards the order dated 30.10.2023 passed in CRM-M-53473-2023 (Annexure P-3) qua co-accused Rakesh Kumar. The said order reads as under:-

“By way of this petition under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.162, dated 29.09.2023, under Sections 420, 120-B of IPC and Section 66(D) of the Information Technology Act, 2000, registered at Police Station City-1, Mansa, District Mansa.

FIR has been lodged on the complaint of Nirmala Devi, as per which petitioner allured her son to invest money and on that allurement, son of the complainant invested ₹60 lacs through one Kaka Mistry in the company of the petitioner, but later on the ID accounts were deleted. When the son of the complainant contacted Kaka Mistry and petitioner, they disclosed that ID has been cancelled

Learned counsel for the petitioner contends that without verifying the facts, the FIR has been lodged. Even the son of the complainant did not make any complaint regarding alleged allurement.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of respondent-State and Mr. Khushkaran Kumar, Advocate has filed Vakalatnama on behalf of the complainant. Copy of paper book be

supplied to them during the course of day.

Adjourned to 08.12.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the case of the petitioner is on the same footing as that of co-accused Rakesh Kumar.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab. accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 08.12.2023 for filing status report.

To be heard along with CRM-M-53473-2023.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Today, on instructions from ASI Mewa Singh, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 08.11.2023 and is no longer required for further investigation.

In view of the aforesaid, the order dated 08.11.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

December 08, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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