

CRM-M-58891-2023

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-58891-2023 (O&M)
Date of Decision: 19.12.2023****KULWINDER SINGH****...Petitioner****V/S****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

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

Mr. Vipul Aggarwal, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 72 dated 04.09.2023 registered under Sections 420, 406, 465, 467, 468 and 471 of Indian Penal Code at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

2. On 22.11.2023, following order was passed:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.72 dated 04.09.2023 under Sections 420/406/465/467/468/471 of IPC registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner inter alia contends that petitioner is not a travel agent and he has introduced the complainant on the asking of his friend-Harjeet Singh to co-accused-Sonu Walia who is engaged in the business of sending people abroad. He

further fairly contends that only Rs.3 lakhs were deposited in the account of the petitioner by the complainant as per allegations contained in the FIR and to show his bonafide, he is ready to return Rs.3 lakhs to the complainant by paying Rs.1 lakh within a period of 15 days from today and remaining Rs.2 lakhs within a period of two months, thereafter.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 01.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner 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 petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in

terms of the order of this Court.

Adjourned to 19.12.2023.

In case, the above undertaking is not complied with by the petitioner, the anticipatory bail granted to the petitioner shall be automatically deemed to be vacated.

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 Balwinder Singh, submits that in compliance of order dated 22.11.2023 passed by this Court, the petitioner has joined the investigation on 30.11.2023 and is not required for further custodial interrogation.

4. Mr. Vipul Aggarwal, Advocate has put in appearance, filed his power of attorney on behalf of the complainant, which is taken on record and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner has received a sum of Rs. 5,50,000/- instead of Rs. 3,00,000/-.

5. Faced with this, learned counsel for the petitioner submits that the petitioner will abide by his undertaking given on 22.11.2023 and would pay the remaining amount of Rs. 2,00,000/- to the complainant within a period of two months from the date of previous order i.e. 22.11.2023.

7. Keeping in view the statement made by learned State Counsel and the undertaking given by the petitioner, the order dated 22.11.2023, is made absolute. The petitioner shall abide by the terms and conditions

enumerated in Section 438(2) of Cr.P.C. However, in case the petitioner does not discharge his liability within the stipulated period as per his undertaking, the relief granted to the petitioner by this order, shall be deemed to have been automatically vacated.

8. The petition is accordingly allowed.

19.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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