

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-61156-2022

Date of Decision:20.03.2023.

Kulwinder Singh

.....Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG., Punjab.

Mr. Lupil Gupta, Advocate
for the complainant.

VIKRAM AGGARWAL, J. (ORAL)

Prayer in the present petition is for the grant of anticipatory bail to the petitioner, in case FIR No.162 dated 04.12.2022 under Section 420 of the Indian Penal Code, 1860, registered at Police Station Cantt Bathinda, District Bathinda.

Learned counsel for the petitioner contends that in compliance of the order passed by this Court on 02.11.2023, the petitioner has joined investigation.

Learned counsel representing the State of Punjab, on instructions from ASI Dev Ditta, states that the petitioner has joined investigation but recovery of the amount of ₹15, 00,000/- alleged to have been paid by the complainant has not been made.

The complainant/Tarun Kumar Garg alleges that the petitioner had taken a sum of ₹15,00,000/- from him on the pretext of securing Govt. jobs for his two children. As per the complainant, the petitioner had projected that he was

having close proximity with high-ups in the Office of the Chief Minister of Punjab and that he could secure jobs for his children in the Electricity Board. Despite the payment of ₹15,00,000/- and despite the children of the complainant having filled the forms for jobs and having appeared in the examination, they were not appointed. It was alleged that the petitioner had cheated the complainant.

Learned counsel for the complainant has submitted that the petitioner had admitted the receipt of the amount of ₹15,00,000/- from the complainant and that the recording is still pending with the FSL. He submits that no recovery has been made from the petitioner and that if the petitioner is granted anticipatory bail, the truth will never come out. Learned counsel has submitted that custodial interrogation would be required in the present case.

I have considered the submissions made by learned counsel for the parties.

Admittedly, complaints dated 19.01.2022 and 25.06.2021 (Annexures P-2 and 3) were submitted by the petitioner against the complainant. The said complaints are stated to be still pending. The complaints level allegations against the complainant in the present case. The FIR in question was registered on 04.12.2022 i.e. after the submission of the aforesaid complaints.

Admittedly, there is no proof of payment of ₹15,00,000/-. There are allegations and counter-allegations. The truth will come out when the trial concludes and when complaints (Annexures P-2 and 3) are taken to the logical end. The petitioner has already joined investigation under the orders of this Court. The non-recovery of amount alleged to have been paid by the complainant is no ground to non-suit the petitioner in view of the allegations and counter-allegations by both sides.

Keeping in view the aforementioned facts and circumstances, the present petition is allowed. The order dated 02.01.2023 passed by this Court is made absolute, subject to the compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

March 20, 2023
R. sharma

(VIKRAM AGGARWAL)
JUDGE

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