

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-10814-2023

Date of decision: 30.04.2024

Satnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. R.S. Sohi, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.4 dated 30.01.2023 under Section 420 of the IPC registered at Police Station Mattewal, District Amritsar (Rural).

2. On 02.03.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Counsel for the petitioner submits that there was no malafide intention on the part of the petitioner to deceive any person including the son of the complainant and that the complainant's son got admission in Berlin School of Business and Innovation, Germany for the course starting in May, 2021 but due to Covid-19 situation, the same was deferred to October, 2021 and thereafter, the complainant's son sought shifting of his campus from Germany to France and after acceptance of the request of the complainant's son, his campus was shifted to France and he was asked to join online Hybrid course due to prevalence of Covid-19 and then son of the

complainant got registered for the said course but later, the student i.e. son of the complainant, changed his mind and made request for refund of his entire fee but the said request was declined. In support of his contentions, counsel for the petitioner has referred to documents Annexures P-2 to P-14. He further submits that the petitioner is ready to join the investigation with the police and even at the initial stage, the Court of Additional Sessions Judge, Amritsar also provided interim protection to the petitioner to join the investigation and finally, the bail application moved by the petitioner was dismissed by the said Court vide order dated 17.2.2023.”

3. Learned counsel for the petitioner submits that in compliance of order dated 02.03.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel assisted by learned counsel for the complainant, on instructions, does not dispute the factum of the petitioner having joined investigation. However, he submits that since the licence of his Immigration Company has still not been furnished, his custodial interrogation be ordered.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has admittedly joined investigation and cooperated with the investigating agency; except for the purpose of obtaining the licence of the Immigration Company of the petitioner, his custodial interrogation cannot be ordered.

7. In view of the above, the petition is allowed and interim order dated 02.03.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

30.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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