

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-12568-2024  
Date of Decision:14.03.2024

Balvir Singh and anr ...Petitioners  
Vs.  
State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. P. S. Jammu, Advocate and  
Mr. R. P. S. Jammu, Advocate  
for the petitioners.  
  
Mr. Jasjit Singh, DAG, Punjab.  
  
Mr. Achin Gupta, Advocate and  
Mr. Harpreet Singh, Advocate  
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present petition under Section 438 of the Code of Criminal Code with a prayer to grant them anticipatory bail in case FIR No.9 dated 05.02.2024 (Anneuxre P-1), registered under Sections 420 and 120-B IPC at Police Station Sadiq, District Faridkot.
2. Learned counsel for the petitioners submits that there was a financial dispute between the petitioners and the complainant and a false case has been got registered by the complainant against the petitioners by alleging that a sum of Rs, 14,65,000/-was taken by the petitioners on the pretext of providing job, whereas, no such amount was paid by the complainant. He further contends that without admitting the guilt, the petitioners are ready to deposit a sum of Rs.7,00,000/- with the trial

Court/Area Magistrate, just to show their bona fides. He further contends that no recovery is to be effected from the petitioners and they are ready to join the investigation.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently opposed the statements made by the learned counsel for the petitioners on the ground that the petitioners are main accused in the present case. Even the petitioners had illegally taken away a sum of Rs, 14,65,000/- from the complainant on the pretext of getting them employment and the petitioners do not deserve any leniency in the present case.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the documentary evidence has already been collected by the police. Apart from that, it is apparent that there was financial transactions between the parties. Thus, in view of the considered opinion of this Court, the custodial interrogation of the petitioners will not be required, at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

7. The petitioners are directed to desposit a sum of Rs. 7,00,000/- with the trial Court/Area Magistrate/Duty Magistrate within a period of one month from today and the concerned Court is directed to deposit the said amount in some nationalized bank in the shape of FDR fetching maximum rate of interest, subject to the outcome of the trial.

8. In case the amout is not deposited by the petitioners, as per the undertaking given by them in the Court, the present petition shall be deemed to be dismissed.

14.03.2024

M.Sikka

(N.S.SHEKHAWAT)

JUDGE

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