



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-16184-2024 (O&M)
Date of Decision:- 16.07.2024

PUSHPINDER SINGH BRAR
Versus
STATE OF PUNJAB
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.K. Singla, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.
Mr. Neeraj Jain, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
49	12.03.2024	420 and 120-B IPC	Jhunir, District Mansa

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 04.04.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed. He further contends that co-accused Rajesh Kumar @ Rajesh Kumar Jhakhhar and Bharat Bhushan have since been granted the concession of anticipatory bail by this Court vide order dated



21.05.2024 passed in CRM-M-17711-2024 and CRM-M-17567-2024 respectively.

3. Learned State counsel, on instructions from ASI Gurdarshan Singh has intimated that the petitioner has joined investigation, however, has submitted that the petitioner along with co-accused had enticed the complainant to invest ₹12 lakhs and only an amount of ₹64,000/- had been returned. The petitioner along with co-accused have cheated the complainant as such his custodial interrogation is required to recover the amount.

4. Learned counsel appearing on behalf of the complainant has also argued on the similar lines and opposed the bail petition.

5. Heard.

6. During the course of hearing on 04.04.2024, the following order was passed:-

“ Contends inter alia that bare reading of the FIR reveals that there is no allegation against the petitioner.

Notice of motion.

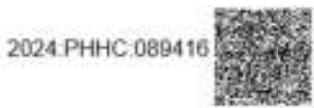
On the asking of the Court, Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding complicity of the petitioner.

At this stage, Mr. Raman Singla, Advocate for Mr. Neeraj Jain, Advocate appears on behalf of complainant.

Posted for 14.05.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

7. The learned State counsel as well as learned counsel for the complainant has raised an argument that an amount of ₹12 lakhs is to be



recovered from the petitioner and as such his custodial interrogation is required. On query being raised, they admitted that the amount was not paid to the petitioner directly. They contend that Rajesh Kumar @ Rajesh Kumar Jhakar was the kingpin, to whom the amount was given. As submitted by learned counsel for the petitioner and not disputed by learned State counsel, the aforesaid Rajesh Kumar @ Rajesh Kumar Jhakar has since been granted the concession of anticipatory bail vide order dated 21.05.2024 passed in CRM-M-17711-2024.

8. Therefore, keeping in view the above facts and circumstances coupled with the fact that the petitioner had joined the investigation consequent to the order dated 04.04.2024 passed by this Court and he is not having any other criminal case registered against him, the interim bail granted vide order dated 04.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

16.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No