



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.26560 of 2024
Date of decision: 27.08.2024

PARAMJIT SINGH
Versus
STATE OF PUNJAB
.... Petitioner
.... Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Naresh Kumar Jandoli, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
34	06.04.2024	Haryana, District Hoshiarpur	406 and 420 of IPC

2. Vide order dated 23.05.2024, passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order dated
23.05.2024, passed by this Court, reads as under:

*“Prayer is for grant of anticipatory bail to the petitioner in
criminal case having FIR No.34 dated 06.04.2024 registered under
Sections 406, 420 of IPC at Police Station Haryana, District Hoshiarpur.*

*Counsel for the petitioner submits that petitioner is falsely
implicated in the present case. It is further submitted that present
petitioner simply acted as a conduit for payment of money by
complainant Jagannath to travel agent namely Ritu who had promised*



to provide visa to the complainant. That the amount of Rs.1.20 lakhs which was deposited by the complainant in petitioner's bank account was further transferred in the bank account of Ritu by the petitioner as is clear from bank statement Annexure P-2. Counsel for the petitioner further submits that aforesaid Ritu who is the main culprit is not impleaded as an accused in the present case by the police. It is further submitted that petitioner who is having no criminal antecedents is ready to join investigation with the police.

Notice of motion.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Avtar Singh submits that as per complainant, petitioner took amount of Rs.1.30 lakhs from him on the pretext of providing him visa to go to Armenia but thereafter petitioner failed to do so and also refused to return the money. However, the State counsel has not disputed the fact that petitioner is having no criminal history.

Apparently, it appears to be a dispute between the parties with regard to repayment of certain money as is detailed in the FIR itself.

Now be listed on 27.08.2024.

In the meantime, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.



3. Learned State counsel has submitted that though the petitioner has joined the investigation on 25.05.2024, but no recovery has been effected from him so far and he is not cooperating with the investigating agency to that extent. However, she has not submitted as to in what manner, the cooperation had not been extended by the petitioner. Mere non-recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled ‘*Jagdish Thakkar vs. State of Delhi, 1992 (3) CCR 2764, Pooran Singh vs. State of Delhi, 2022(1) RCR (Criminal) 503* as well as by Hon’ble Supreme Court in case titled as *Social Action Forum for Manav Adhikar Vs. UOI (SC) 2018 (4) RCR (Criminal) 226*.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 23.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(MANISHA BATRA)
JUDGE

27.08.2024
Jyoti-IV

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