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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29750-2024

DATE OF DECISION: 12.06.2024

JAGIR SINGH AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. SP Soi, Advocate for the petitioner(s).
Mr. J.S. Guru, AAG, Punjab.
Mr. Manmeet Singh Rana, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.19 dated 16.03.2024 registered under Sections 406/420 IPC at Police Station Dhilwan, District Kapurthala.

2. Learned counsel for the petitioners submits that the present FIR has been registered without having any incriminating material against the petitioners except the bald allegations of paying Rs. 13 lakhs that too in cash to the present petitioners by the complainant.

3. Learned counsel for the complainant has strongly submitted that Rs.13 lakhs were actually paid to the petitioners, out of which Rs.6 lakhs was paid on 28.01.2022 in the presence of Shingara Singh who is running business of selling *khall* (one of the vital feed for cows/buffaloes) and subsequently, on 24.02.2022 Rs. 3 lakhs was paid and finally, Rs. 4 lakhs was laid on 02.04.2022 after availing loan from one Joga Singh.



4. It is also noticed here that Rs. 3 lakhs paid on 24.02.2022 is averred to have been received by the complainant from his son settled in Spain through Western Union.

5. Notice of motion.

6. Learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from ASI Murta Singh opposes the prayer for grant of bail. He could not answer the query to the effect that what is incriminating material to establish that actually Rs. 13 lakhs in cash were paid by the complainant to the petitioners, or any other formalities by way of documentation for the purpose of getting visa to send his another son abroad.

7. It is also admitted fact on the record with the investigating Agency as well that passport stands returned to the complainant but the only grievance is that Rs. 13 lakhs which was paid in cash has not been returned to him.

8. This Court is not convinced/impressed with the arguments made by learned State Counsel as well as by counsel for the complainant that such an big amount has been paid in cash that too after withdrawal from the bank and also in the light of the fact that no other documentary evidence is coming forth to support the version of the complainant that any arrangement was made by the petitioner to send his another son abroad whose one son is already settled in Spain. It is another fact which derives attention of this Court and needs to be recorded here that wherein one of his son is already settled in Spain, there is no occasion for him to contact the petitioner for arranging his another son's settlement in abroad, particularly in the light of the fact as informed to the Court by learned State Counsel that the petitioner does



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not have any such history of dealing in such kind of trade/business by any means.

9. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the petitioners the concession of bail if the petitioners have bona fide intentions and are willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

10. Hence, in view of the admitted set of circumstances before this Court, the petitioners are directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

11. However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

12. It is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

12.06.2024
anuradha

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