



209

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

CRM-M-30597-2024

DATE OF DECISION: 03.07.2024

SONI @ GURPREET SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nikhil Batta, Advocate for the petitioner(s).
Mr. Rajiv Verma, DAG, Punjab.

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.79 dated 03.05.2024 registered under Sections 420/120-B IPC and Section 13 of Punjab Travel Professionals Regulation Act, 2014 at Police Station Bhawanigarh, District Sangrur, Punjab.

2. Learned counsel for the petitioner submits that there is unexplained delay of eleven months in lodging the present FIR and no specific role has been attributed to the petitioner. The allegations against the petitioner are that he along with other co-accused persons cheated the complainant for the consideration amount of Rs. 2,35,000/- by assuring visa in lieu of the payment as has been alleged in the complaint, it is highly improbably that a person can be sent to USA (that too is Cambodia as has been pointed out by learned State Counsel). Moreover, nothing is to be recovered from the petitioner.



CRM-M-30597-2024

-2-

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State. He on instructions from ASI Surjit Singh submits that an amount of Rs. 2,35,000/- is yet to be recovered from the petitioner which was handed over by the complainant for arranging the visa of the complainants for abroad. He opposes the prayer for grant of bail but could not produce any incriminating evidence connecting the petitioner with the alleged incident.

5. Be that as it may, the argument raised by counsel for the petitioner finds strength and carries weight while considering the petition for grant of anticipatory bail. There is an unexplained delay of 11 months in lodging the FIR against the alleged incidence which took place in June, 2023 whereas the case came to be registered on 03.05.2024.

6. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is 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.

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on



CRM-M-30597-2024

-3-

furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

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

9. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

03.07.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>