



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(211)

CRM-M-35010-2024
DATE OF DECISION: 27.08.2024

Gagandeep Singh @ KalaPetitioner

VERSUS

State of PunjabRespondent

CORAM HON’BLE MR.JUSTICE KULDEEP TIWARI

Present Mr.Vedant Setia, Advocate,
for Ms. Harmanjot Kaur, Advocate,
for the petitioner.

Mr.Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J (ORAL)

1. On 23.07.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

“1. Through the instant petition, as instituted under
Section 438 of the Cr.P.C., the petitioner seeks the concession of
anticipatory bail, in case FIR No.75 dated 08.06.2021, under Section
420 of the IPC, and, Section 13 of the Punjab Travels Professional
(Regulations) Act, 2014, registered at P.S. Bareta, District Mansa.

2. Succinctly stated, allegation(s) against the petitioner
is that he duped the complainant for an amount of ₹ 1,30,000/- on the
pretext of sending him abroad on work permit.

3. The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present FIR. The petitioner
is neither running the business of travel agency, nor he received a
single penny from the complainant. Lastly, he submits that the
petitioner is ready and willing to join the investigation and to
cooperate with the investigating agency.

4. Notice of motion for 27.08.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on
behalf of respondent-State of Punjab.



6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

2. Today, the learned State counsel, at the very outset, on instructions imparted to him by ASI Mewa Singh submits that though the petitioner had joined investigation and fully cooperated with the investigation process but recovery of Rs.1,30,000/- is yet to be effected from the petitioner, which is allegedly the cheated amount.

3. Since the petitioner has joined investigation and fully cooperated, therefore, merely because the cheated amount has not been recovered, the relief of anticipatory bail cannot be declined.

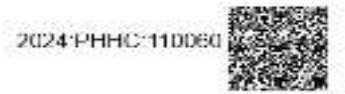
4. The instant petition for grant of anticipatory bail cannot be converted into a suit for recovery. The allegations which are made in the instant FIR are yet to be established by the prosecution during the course of trial. Therefore, the extracted interim order dated 23.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.



5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

27.08.2024
mamta

(KULDEEP TIWARI)
JUDGE

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