



CRM-M-36938 of 2024

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

**CRM-M-36938 of 2024
DECIDED ON: 19.11.2024**

Raghbir Singh and another

.....Petitioners

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Kunal Dawar, Advocate
for the petitioners.

Ms. Avneet AAG., Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail in case FIR No.82 dated 11.07.2024, registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Sadar Patiala, District Patiala.

2. On a complaint submitted by one Gurjant Singh, the FIR in question was registered. It was alleged that the petitioners who are father and son had promised the complainant that they would secure a government job for his son as they had lot of contacts in the government. Believing them, a sum of Rs. 6 lacs is alleged to have been paid by the complainant for securing a Government job for his son Balak Ram. The details of the amount given in two installments is duly mentioned in the FIR. It is also stated that on 28.05.2023, a Panchayati settlement had been arrived at and a sum of Rs. 3



lacs was agreed to be paid by petitioners out of which the first installment of Rs.50,000/- was to be paid on 15.11.2023 but the same was not paid.

3. On 01.08.2024, the following order was passed by a Coordinate Bench of this Court:-

“This petition has been filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of anticipatory bail to the petitioners in case bearing FIR No. 82 dated 11.07.2024 under Sections 420, 120-B IPC registered at police station Sadar Patiala, District Patiala.

Learned counsel for the petitioner inter-alia submits that petitioner No.1 got loan of Rs. 5 lacs from the complainant and certain amounts were paid. Later on, a dispute arose and ultimately on 28.05.2023, a written compromise was effected whereby petitioners agreed to return Rs. 3 lacs in EMI's and 1st installment of Rs. 50,000 was to be paid on 15.11.2023. In the compromise, there was no mention of providing employment of teacher to the son of the complainant, who is 12th pass.

Notice of motion for 19.11.2024.

Mr. Rajinder Singh Bhatta, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He seeks some time to file status report. A copy of the paper book be supplied to him during the course of the day. On asking, State counsel submits that as per instructions of ASI Davinder Singh (149) Patiala petitioner No.2 gave in writing on 28.05.2023 (which is in the police file) wherein it is not mentioned that dispute was with regard to making false promise for getting employment to the son of the complainant.

In the meantime, the petitioners are directed to join the investigation as and when called by SHO/Investigating Officer and in the event of their arrest, they shall be



released on interim bail on their furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioners shall make themselves available for interrogation before the investigating officer as and when required:

(ii) that the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

4. Learned counsel for petitioners submits that under the orders passed by this Court, the petitioners have duly joined investigation. Reference has also been made to affidavit dated 29.10.2019 (Annexure P-3) sworn by petitioner no.1-Raghubir Singh, in which it has been mentioned that Raghubir Singh had taken Rs. 5 lacs on credit from the complainant Gurjant Singh. Learned counsel submits that it was in-fact a money transaction which has been projected as a promise to secure a government job with a view to lodge a criminal case against the petitioners. He submits that the amount was duly paid back. Reference in this regard has been made to the documents Annexures P-4 to P-6. Learned counsel further submits that petitioners have clean antecedents and no other case has been registered against the petitioners.

5. *Per contra*, learned counsel representing the State of Punjab,

states that though the petitioners have joined investigation, the recovery of amount has not yet been made.

6. I have considered the submissions made by learned counsel for the parties and this Court is of the considered opinion that the petition deserves to be allowed for the the petitioners have duly joined investigation under the orders passed by the Coordinate Bench on 01.08.2024.

7. Reliance has been placed on certain documents by learned counsel for petitioners and the Coordinate Bench had also noticed in the order dated 01.08.2024 that there is nothing on record to show that there was some false promise for securing government employment to the son of the complainant nor did the compromise dated 28.05.2023 mention any such fact. As to whether the petitioners have actually committed any offence or not shall be determined during the course of the trial. Further, the petitioners have joined investigation under the orders passed by this Court and this Court, therefore sees no reason to decline anticipatory bail.

In view of the facts and circumstances as noticed above, the present petition is allowed. The order dated 01.08.2024 passed by this Court is made absolute, subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

November 19, 2024

Rekha

(VIKRAM AGGARWAL)
JUDGE

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