



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-38363-2024

Date of Decision : **October 04, 2024**

SUNNY BAJWA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On 8.8.2024, 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.41 dated 11.05.2024, under Sections 420, 406 of the IPC, and, Section 13 of the Punjab Travel Professional (Regulations) Act, 2014, registered at P.S. City Kurali, District S.A.S. Nagar.

2. The learned counsel for the petitioner submits that, although the petitioner had sworn an affidavit, thus admitting the receipt of amount for sending complainant's son to abroad, but, he had accordingly sent the complainant's son to New Zealand. However, when complainant's son could not settle there, he returned to India and after return of his son,

the instant FIR has been lodged by the complainant by levelling false allegations.

3. Notice of motion for 04.10.2024.

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

5. 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. Learned counsel for the petitioner submits that in deference to the directions issued by this Court vide order (supra), he has joined the investigation and has fully cooperated with the same.

3. On the other hand, the learned State counsel has refuted the submissions made by the learned counsel for the petitioner and further on instructions imparted to him by the official concerned, stated that though the petitioner has joined the investigation, but the cheated amount is yet to be recovered from the present petitioner.

4. Merely because the cheated amount is not recovered, the relief of anticipatory bail cannot be declined to the present petitioner. The veracity of the allegations is yet to be established by the prosecution by leading cogent evidence, therefore, the hereinabove extracted interim order dated 8.8.2024, is hereby, made **absolute**, subject to the hereinafter extracted conditions and without prejudice to any of the parties:-

“(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.”

5. 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.

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

October 04, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No