

2024:PHHC:123945



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

CRM-M-46611-2024
DECIDED ON:19.09.2024

MUNISH SHARMA

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Bhanu Pratap Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.252 dated 03.08.2024 under Sections 406 and 420 of the Indian Penal Code (for short 'IPC') registered at Police Station City Hoshiarpur, District Hoshiarpur.

2. *Facts*

The present case stands registered at the instance of Sukhdev Singh, an ex-sergeant of the Indian Air Force, who filed a complaint alleging that he was cheated of ₹18,00,000 by Manish Sharma, Tajinder Pal, and Rajni Sharma on the pretext of getting permanent residence of Visa to Canada. When they failed to fulfil the promise, Sukhdev Singh (complainant) demanded his money back, but they

gave him cheques from closed accounts and fabricated ones to deceive him. Thereafter, he filed application No. 4049-PD on May 12, 2023, with the SSP Hoshiarpur, which was forwarded to the DSP, Special Branch. With the intervention of DSP Satinder Kumar's on July 18, 2023, the accused returned ₹2,00,000 and agreed to deposit ₹2 lakhs monthly into Sukhdev's account. Hence, the present FIR.

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case. On perusal of FIR, it is evident that the allegation against the petitioner is that he induced the complainant to pay Rs.18,00,000/- but no specific date or place has been mentioned in the FIR as to when the said amount was handed over. Moreover, there is nowhere mentioned in the present FIR that as to whom the amount was handed over by the complainant.

Notice of motion.

On the asking of Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of respondent-State whereas, Mr. Vishal Thakur, Advocate has put in appearance on behalf of complainant and filed his memo of appearance, which is taken on record.

On behalf of the State as well as complainant:

Learned State Counsel assisted by the counsel for the complainant have opposed the prayer for grant of anticipatory bail to the petitioner stating that the petitioner along-with his co-accused has duped a huge amount to the tune of Rs.18,00,000/- from the complainant on the pretext of getting him a permanent Visa to Canada.

4. Analysis

Learned State counsel has failed to produce any incriminating material in support of the version as narrated in the FIR, which *sans* any date, time and place qua payment whatsoever, has been made to the present petitioner, which is sufficient for this Court to infer that the allegations levelled against the petitioner are totally vague and false having no specific role attributed to him.

Having given a thoughtful consideration to the submissions as made, by the counsel for the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein 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 within the stipulated time period.

5. Decision

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining the investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, upon 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 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

19.09.2024

Sham

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