

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

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CRM M-49620 of 2023
Date of Decision: 06.02.2024

Gurpreet Sidhu

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Amandeep Singh, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.164 dated 05.08.2023 registered under Sections 420, 467, 468, 471 and 120-B of IPC at Police Station Tibba, District Ludhaina.

2. Learned counsel for the petitioner contends that without admitting his guilt, the petitioner has already deposited a demand draft for an amount of Rs. 15,85,000/- with the Registrar of this Court. Learned counsel further submits that the petitioner is a citizen of U.K. and has been falsely involved in the present FIR with some ulterior motive. He further submits that in fact there was a money dispute between both the parties and FIR has been got registered by the complainant by coining a false version against him. Learned

counsel further submits that the petitioner does not have the five blank cheques, blank stamp papers of the complainant and two SIM cards, as alleged by the complainant.

3. Learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the present petitioner. Learned counsel submit that the present petitioner and his accomplices had induced the complainant to pay a sum of Rs. 16 lacs for sending the complainant to England. However, the complainant was not sent abroad and the amount was misappropriated by the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. At this stage, the main dispute relates to the handing of the amount of Rs. 16 lacs by the complainant to the present petitioner. The petitioner has already deposited the amount to 15.85 lacs by way of a bank draft with the Registrar of this Court. Thus, the custodial interrogation of the petitioner may not be required, at this stage.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

8. The amount of Rs. 15.85 lacs, which has been deposited by the petitioner with the Registrar of the Court shall be sent to the trial Court/Area Magistrate and the said Court is directed to deposit the said amount in a fixed deposit in some nationalized bank, fetching maximum rate of interest and the said deposit with the trial Court/ Area Magistrate shall be subject to the outcome of the trial.

06.02.2024	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No