

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-53016-2023

Date of decision: 15.01.2024

Sachin Gupta and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Puja Chopra, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

Mr. Saurav Sood, Advocate and
Mr. Deepinder Singh Virk, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The Registry has reported that in the order dated 18.10.2023, case number at page No.2 has inadvertently been mentioned as 'CRM-M No.52400 of 2023' instead of 'CRM-M No.53016 of 2023'.

2. In view of the report, in order dated 18.10.2023 case number at page No.2 is ordered to be corrected as 'CRM-M No.53016 of 2023' instead of 'CRM-M No.52400 of 2023'.

3. The Registry is directed to make the necessary correction in the said order.

4. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.308 dated 20.09.2023 under Sections 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Tripri, District Patiala.

5. On 18.10.2023, while noticing the following submissions made by the learned counsel for the petitioners, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation:-

“Learned counsel inter alia contends that the petitioners have been falsely implicated in the case in hand for allegedly duping the sister of the complainant to the tune of ₹19,37,300/- on the pretext of sending her abroad. She further contends that it was a matter of record that apart from their consultation fees to the tune of ₹ 2.00 lacs, no amount was ever entrusted by the complainant or his sister to the petitioners. Still further, it was also a matter of record that as per the rules of the University, the College fees had to be deposited by the student herself, and therefore, there was no occasion for the petitioners to have obtained the College fees from the complainant. Learned counsel has also submitted that the allegation qua the letter of acceptance and fees being forged holds no grounds as it was on the basis of that document only, that the sister of the complainant had traveled to Canada and had been since residing there.”

6. Learned counsel for the petitioners submits that in compliance of order dated 18.10.2023, the petitioners have joined investigation and cooperated with the investigating agency.

7. Learned State counsel, on instructions from ASI Harjinder Singh, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.

8. Learned counsel appearing for the complainant has, however, opposed the prayer made by learned counsel for the petitioners for extending the concession of anticipatory bail to the petitioners. He submits that it is a case wherein the complainant has

been cheated of a huge amount of money and even a communication had been received from the Canadian University that no letter of acceptance had been issued by the College to the sister of the complainant.

9. I have heard learned counsel for the parties and perused the relevant material on record.

10. Once the petitioners have joined investigation and cooperated with the investigating agency, and as submitted by learned State counsel that the petitioners are not required for their custodial interrogation, the petition is allowed and interim order dated 18.10.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

15.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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