

CRM-M-55407-2023

Date of Decision:29.01.2024

Sarjivan Kumar Puri

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Sukhdeep Singh, Advocate and
Mr. Shivarg Chandel, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Satnam Chauhan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.83 dated 13.07.2023, registered under Sections 406, 420, 120-B of IPC, at Police Station Phase -8, District SAS Nagar, Mohali.

2. While granting the concession of interim anticipatory bail, this Court had noticed the following contentions on 06.11.2023:-

“Learned counsel for the petitioner submits that the petitioner is suffering from 60% locomotive disability and cannot even comfortably move or stand for long duration without the assistance of other person. He further contends that the complainant levelled allegation with regard to transfer of Rs.5.5 lakhs in the bank account of the petitioner. He next contends that in order to

show his bonafide, the petitioner is ready to deposit a sum of Rs.5.5 lakhs with the Area Magistrate within a period of six weeks from today, without prejudice to his rights. ”

3. Learned counsel for the petitioner submits that without admitting the guilt, the petitioner has already deposited a sum of Rs.5.50 lakhs with the trial Court/Duty Magistrate, as ordered by this Court. He further submits that the petitioner has already joined the investigation.

4. Learned counsel for the State has submitted that the petitioner has joined the investigation and is no longer required for further investigation.

5. On the other hand, learned counsel appearing on behalf of the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the present petitioner has cheated several persons and serious allegations have been levelled against him. However, he does not dispute the fact that there is no other case against the present petitioner.

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

7. In the present case, the main allegation against the present petitioner was that he had allegedly cheated the complainant to the tune of Rs.5.50 lakhs. However, it is also apparent from the record that the petitioner has already deposited a sum of Rs.5.50 lakhs with the trial Court/Duty Magistrate, subject to the outcome of the trial. Apart from that, the petitioner has already joined the investigation in the present case, consequently, his custody will not serve any meaningful purpose.

8. Without commenting any further on the merits of the case and in view of the statement made by learned counsel for the parties, the present

petition is allowed and the interim order dated 06.11.2023, passed by this Court is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.

9. The trial Court/Duty Magistrate, concerned is directed to deposit the sum of Rs.5.50 lakhs in a fixed deposit in some nationalized bank, fetching maximum rate of interest, subject to the outcome of trial.

29.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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