

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-56329-2023

Date of Decision:10.01.2024

RANBIR PRATAP

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Nandini Sharma, Advocate for
Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

On 08.11.2023, following order was passed:

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.103, dated 29.06.2019, under Sections 420, 120-B of IPC, registered at Police Station Kamboj, Amritsar.

At the outset, learned counsel for the petitioner has drawn attention towards the order dated 05.11.2023 passed in CRM-M-31749- 2019 (Annexure P-2) qua co-accused Raj Narian. The said order reads as under:-

“Report of the Mediator has been received which indicates that the matter could not be compromised. The petitioner is seeking anticipatory bail in FIR No.0103 dated 29.06.2019, under Sections 420 and 120-B of the Indian Penal Code, 1860, besides, Section 13 of the Punjab Travel Professional Regulation Act, 2012, registered at Police Station Kamboj, District Amritsar. Learned counsel for the petitioner contends that the allegations in the FIR are primarily against co-accused

Himani Sharma, who is stated to have received ₹21,00,000/-. He also contends that Himani Sharma is the main accused, as the money was transferred in her account. He also contends that there is no allegation that any money was paid to the petitioner or deposited in his account. He has also referred to the copy of the agreement entered into between the complainant and Himani Sharma wherein it has been mentioned that ₹26,00,000/- will be paid to Himani Sharma for helping him to obtain Canadian visa and an amount of ₹6,00,000/- has been paid to her and the balance amount of ₹20,00,000/- shall be paid after the visa is approved. He also contends that the petitioner is being implicated falsely, as he is a relative of coaccused Himani Sharma. He further contends that the petitioner is the Manager in a bank and he is not involved in any other case. Learned counsel for the complainant, however, contends that the petitioner is the person who had introduced the complainant to the other three accused and it was on the petitioner's behest, the money was paid to the other accused. He also states that there is transcript of the conversation of the petitioner wherein he has admitted that at his behest the money had been paid to the other accused. Learned counsel for the petitioner, however, contends that from the transcript it is also borne out that the petitioner had been making efforts to get the other accused to return the money and get the matter settled as the petitioner is indeed related to the other accused. This Court, by the order dated 24.09.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C. Learned State counsel, upon instructions from ASI Ravinder Singh, states that although the petitioner has joined investigation but he is not

disclosing the whereabouts of the other accused. In view of the submissions of learned counsel for the petitioner and the petitioner having joined investigation, the order dated 24.09.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so. The petition stands disposed of.”

Learned counsel for the petitioner contends that the petitioner is simply a witness to the agreement and not a beneficiary. It is Himani Sharma, who is the principal accused as observed by this Court in the order dated 05.11.2019 (Annexure P-2). Learned counsel further contends that father of the petitioner was found innocent during investigation and that the petitioner has been roped in only on the allegation that he was accompanying his father.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 10.01.2024 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but

without commenting anything further on the merits of the case order dated 08.11.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

10.01.2024

(DEEPAK GUPTA)
JUDGE

pry	Whether Speaking/reasoned	Yes/No
	Whether Reportable	Yes/No