

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57768-2023(O&M)
Date of decision: 28.02.2024

Maninderjeet Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navjot Singh, Advocate for
Mr. Hitesh Kumar Sammi, Advocate for the petitioner.

Ms. Avneet, AAG., Punjab.

Mr. Dharambir Bhargav, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.418 dated 21.10.2023, under Sections 420, 406 of Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983, registered at Police Station, Sohana, District SAS Nagar, Mohali.

(2) Allegations are that petitioner duped complainant-Bhupinder Singh to the tune of Rs. 25 lakh on the pretext of sending him United States of America.

(3) This Court while issuing notice of motion on 16.11.2023, granted interim bail to the petitioner and which reads as under:-

*“Contents inter alia that petitioner is ready to settle the matter with complainant on some amicable terms.
Notice of motion for 22.11.2023.
Mr.Dharambir Bhargav, Advocate, appears on behalf of the complainant.*

Parties are relegated before the Mediation and Conciliation centre of this Court.

Petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973."

(4) Learned Counsel for the petitioner contends that in terms of aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required. Although it was contended that he is ready to settle the matter with complainant on some amicable terms but it could not fructify.

(5) Learned State Counsel on instructions from SI-Balbir acknowledged that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Learned counsel for the complainant has vehemently opposed the prayer on the premise that petitioner has cheated the poor persons while swindling an amount of Rs. 50 lakh.

(7) From bare perusal of the FIR, *prima facie*, it transpires that alleged transaction was not legal; rather totally unethical; hence, in such a scenario, even civil suit for recovery would not be maintainable.

(8) In view of the above, objection raised by learned counsel for the complainant is rejected.

(9) Consequently, interim order dated 16.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

- (11)

The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (12)

It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (13)

Disposed off accordingly.
- (14)

Pending application(s), if any, shall also stand disposed off.

28.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No