

CRM-M-58486-2023

[1]

297

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

CRM-M-58486-2023

Date of decision: 14.05.2024

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Anmol, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.192 dated 21.11.2020 registered under Sections 420, 467, 468, 471, 120-B of IPC at Police Station City Budhlada District Mansa.
2. As per the allegations appearing in the FIR petitioner, Tarsem Lal and Ajit Partap Gupta took huge amount from complainant Manpreet Singh on the pretext of providing him job but thereafter they failed to keep their promise and also refused to return the money and in this manner, the accused person defrauded the complainant of Rs.28 lacs, out of which Rs.2.5 lacs were found to be transferred in the bank account of the petitioner.
3. This Court vide interim order dated 22.02.2024 directed the petitioner to deposit an amount of Rs.75,000/- with the Registry of this Court and further directed him to join investigation with the police.
4. Today, counsel for the petitioner produced the concerned documents whereby demand draft of Rs.75,000/- has been deposited by the petitioner with the Registry of this Court in compliance of the previous

order. The counsel for the petitioner further apprised the Court that petitioner has also joined investigation with the police.

5. The State counsel has not disputed the fact that the petitioner has deposited the aforesaid amount with the Registry of this Court and that petitioner has already joined investigation with the police by virtue of the order of interim bail dated 22.02.2024 passed by this Court. However, the State counsel while resisting the present petition submits that recovery of the balance amount still remains to be effected.

6. I have considered the submissions made by counsel for the parties.

7. It is settled position of law that a criminal Court exercising jurisdiction to grant bail/anticipatory bail, is not to act as a recovery agent to realise the dues of the complainant and that too without any trial.

8. Further, the petitioner has already deposited amount of Rs.75,000/- with the Registry of this Court to show his bonafide and furthermore, petitioner has joined investigation with the police and his counsel has given assurance that even in future if required the petitioner will join further investigation with the police.

9. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and order of interim bail dated 22.02.2024 is made absolute. The petitioner is to abide by the conditions as are provided in Section 438(2) Cr.P.C. and should join further investigation as and when called to do so by the police. The aforesaid deposit of Rs.7500/- is subject to final decision of the criminal case.

14.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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