

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Kuldeep Singh Ahluwalia, Advocate with
Ms. Jaspreet Kaur, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Bhritgu Dutt Sharma, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.121 dated 12.10.2023 registered under Sections 406, 420, 34 of IPC, at Police Station Nakodar City, District Jalandhar.
2. Learned counsel for the petitioner contends that on earlier occasions also, several complaints were moved by the complainant, however, the petitioner was not named as an accused in those complaints. Learned counsel further contends that without admitting the guilt, the petitioner is ready to deposit a sum of Rs.4.65 lakhs with the trial Court within a period of 15 days from today, subject to outcome of the trial. Learned counsel further contends that in the present case, Surinder Kumar, co-accused has already been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Jalandhar, vide order dated 24.11.2023 (Annexure P-2).
3. On the other hand, learned State counsel assisted by learned counsel

for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had cheated the complainant and had misappropriated 244 grams 160 mg of gold of the complainant, which was pledged with the present petitioner.

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

5. In the present case, the main dispute was relating to the payment of Rs.4.65 Lakhs and the petitioner has already agreed to deposit the said amount with the trial Court/Duty Magistrate, subject to outcome of the trial. In the considered opinion of this Court, it may not be appropriate to send the petitioner behind bars, at this stage. Even otherwise, Surinder Kumar, co-accused has already been granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Jalandhar, vide order dated 24.11.2023 (Annexure P-2).

6. Consequently, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

7. The petitioner shall deposit an amount of Rs.4.65 lakhs with the trial Court/Duty Magistrate, within a period of 15 days from today, which shall be deposited by the concerned Court in the fixed deposit in some nationalized Bank, fetching maximum rate of interest, subject to outcome of the trial.

31.01.2024

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(N.S.SHEKHAWAT)
JUDGE

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