

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214-2

CRM-M-63666-2023
Date of decision: 18.04.2024

ROHIT

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gulzar Mohammad, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. Gautam Dutt, Advocate
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 21.12.2023, the following order was passed:-

"Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.0191 dated 20.10.2023, under Sections 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Sadar, Jalandhar. Learned counsel for the petitioner submits that the petitioner was working as a sales officer in the office of Director, AGI Infra Ltd. Urban Office, Jalandhar and has been falsely implicated in the present FIR, as there are numerous other litigations pending between the petitioner and the company AGI Infra Ltd. Urban Office, Jalandhar.

The prosecution agency was set into motion by one Tanyam Mahajan s/o Rajiv Mahajan, with the allegations that he received a call from the sale manager i.e. Rohit (present petitioner) of the above-said company and he lured the complainant to deposit cash of

2.5 lacs for upgradation of their flat, which in fact was earlier fixed for 4 lacs. He further deceived the complainant by saying that he can deposit the cash of 2,000/- denomination notes, which will not be a valid tender due to demonitization by the Government. Having fallen in the trap of Rohit, he went to the company and thereafter, handed over 2.5 lacs to the present petitioner and co-accused Vanita Vishal, who was accompanying the present petitioner.

Be that as it may, a Co-ordinate Bench of this Court, vide order dated 21.11.2023, (Annexure P-8) has already granted relief of interim CRM-M-63666-2023 anticipatory bail to co-accused, namely, Joginder Kumar, to whom there are allegations that the money was finally transferred to his account by the present petitioner.

Notice of motion.

Mr. Karunesh Kaushal, AAG, Punjab, waives service of notice on behalf of the respondent-State of Punjab.

Learned counsel appearing on behalf of the complainant has opposed the asked for relief to the petitioner and submits that petitioner is one of the main conspirator, who not only deceived the complainant but also has the allegations of embezzlement with the accounts of the company.

At this stage, considering the gravity of offence as well as considering the fact that all evidence are documentary in nature, which is to be investigated by the investigating agency, this Court deems it appropriate, to direct the petitioner to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-60128-2023."

2. Today learned State counsel submits that though the petitioner has joined the investigation, but they have failed to recover the cheated amount from the petitioner, and he has also not disclosed the *modus operandi* of forging of the

document.

3. On a specific query being put by this Court, that whether any questionnaires were put to the petitioner, to which the learned State counsel on instructions from ASI Madan Mohan, submits that no questionnaires were put to the petitioner during investigation.
4. It seems that the main thrust of the Investigating Officer is upon the recovery of the cheated amount, and this Court cannot only for this purpose, deny the relief of pre-arrest bail to the petitioner, specifically when the petitioner has joined the investigation. The process of joining the investigation cannot be converted into recovery of suit. Therefore, the order dated 21.12.2023, is hereby made absolute, subject to the conditions that the petitioner shall keep on joining the investigation, as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.

18.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No