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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1936-2025

Date of decision: 15.02.2025

Sandeep Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.44 dated 03.05.2024 (Annexure P-1) under Section 420 of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Sadar Banga, District SBS Nagar (Punjab).

On 16.01.2025, the following order was passed:-

'Instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail in FIR No.44 dated 03.05.2024 under Section 420 of the Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Sadar Banga, District SBS Nagar.

Learned counsel for the petitioner, inter alia, contends that initially, on 29.09.2023, a complaint bearing No.236283 was submitted jointly by the petitioner and the complainant before the jurisdictional police authorities against main accused Gurmeet Singh and his sons and after taking his money back from said Gurmeet Singh, the aforesaid complaint was withdrawn. It is further contended that after 08 months, FIR (supra) was registered against the petitioner on the same set of allegations by suppressing the factum regarding



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filing and withdrawal of the aforesaid complaint. The account statement of the petitioner is available on record as Annexure P-4, which clearly reflects that the entire amount has been remitted back from his account to the complainant and main accused and one of the co-accused namely Pardeep Singh has already been granted the concession of anticipatory bail by the Coordinate Bench of this Court vide order dated 28.10.2024 passed in CRM-M-29557-2024.

Notice of motion for 15.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 438(2) of Cr.P.C. (now Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Rampal, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated

16.01.2025 is hereby made absolute. The petitioner shall abide by the terms and

conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.02.2025
Neha

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