

CRM-M-12495-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12495-2020

Date of decision: 30.09.2020

Jasvir Singh

..... Petitioner

V/s.

State of Punjab

..... Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Vinod K. Kaushal, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate
General, Punjab.

Sanjay Kumar, J.

The petitioner is the sole accused in FIR No. 0038 dated 22.02.2020 on the file of Police Station Model Town, District Hoshiarpur, registered under Section 420 IPC and Section 13 of The Punjab Travel Professionals (Regulations) Act, 2014. By way of this petition filed under Section 438 Cr.P.C, he seeks grant of anticipatory bail.

The case of the complainant was that the petitioner had taken a sum of ₹ 1,45,000/- from him on the pretext of sending him abroad but he failed to do so. He thereafter returned ₹ 40,000/- and undertook to refund the balance amount. However, he failed to come through with his promise, leading to institution of the complaint and registration of the subject FIR.

When this case was taken up for hearing on 18.05.2020, this Court noted that the petitioner had deposited a further sum of ₹ 45,000/-,

out of the total amount allegedly due, ₹ 1,45,000/-. The learned counsel for the petitioner pointed out that as per the agreement dated 15.02.2017 executed by and between the parties, only a sum of ₹ 75,000/- had been paid to the petitioner by the complainant. However, the learned counsel for the petitioner stated before this Court that his client was willing to deposit ₹ 50,000/- more to show his *bonafides*. In the light of this offer, this Court directed the petitioner to make the deposit and in the meanwhile, granted him interim bail in the event of his arrest, subject to furnishing personal bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer. Further, he was required to join the investigation as and when called upon to do so and co-operate with the Investigating Officer. He was also required to abide by the conditions provided in Section 438(2) Cr.P.C.

Thereafter, when the case was taken up on 01.07.2020, the learned State counsel informed this Court that the brother of the petitioner had deposited a sum of ₹ 50,000/- pursuant to the order dated 18.05.2020 but the petitioner had not joined the investigation.

Mr. Vinod K. Kaushal, learned counsel for the petitioner, thereupon informed this Court that the petitioner, who is employed in the State of Odisha, was unable to join investigation at Hoshiarpur as he could not obtain leave. Learned counsel sought two months time to enable the petitioner to seek leave and join investigation as directed by this Court. The matter was accordingly adjourned.

Today, Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would inform this Court that the petitioner

joined the investigation on 23.07.2020 and is co-operating with the police.

In that view of the matter, this Court is of the opinion that custodial interrogation of the petitioner may not be required at this stage and it would suffice if the petitioner continues to assist the police in the investigation and co-operates with them.

The petition is accordingly allowed making absolute the interim bail order dated 18.05.2020. The personal bonds and surety bonds furnished by the petitioner, if any, shall be kept alive and valid till the disposal of the case. If the petitioner has, as yet, not furnished such bonds, he shall do so in terms of the order dated 18.05.2020, in the event he is subjected to arrest in relation to this case in future. He shall continue to join investigation as and when called upon to do so and co-operate with the Investigating Officer. He shall also abide by the conditions prescribed in Section 438(2) Cr.P.C.

(SANJAY KUMAR)
JUDGE

30.09.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no