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

CRM-M-43570-2022

Date of decision : 10.10.2022

Mandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. M.S. Dhaliwal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.38 dated 27.11.2020 registered under Sections 420, 120-B of the Indian Penal Code, 1860 and Sections 66, 66(c), 66(d) of the Information Technology Act, 2000 at Police Station Punjab State Cyber Crime, District SAS Nagar (Mohali).

On 21.09.2022, this Court had passed the following order:-

“This is the second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.38 dated 27.11.2020 registered under Sections 420, 120-B of the Indian Penal Code, 1860 and Sections 66, 66(c), 66(d) of the Information Technology Act, 2000 at Police Station Punjab State Cyber Crime, District SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that the earlier anticipatory bail application was withdrawn with

liberty to the petitioner to file a fresh petition after preparing the demand draft amounting to Rs.1,50,000/- in the name of the complainant, in view of the arguments raised on behalf of the petitioner that he was ready to pay an amount of Rs.1,50,000/- to the complainant without admitting his liability. It is contended that the petitioner has prepared the said demand draft amounting to Rs.1,50,000/- in the name of the complainant and a photocopy of the same has been annexed as Annexure P-4 which is at page 31 of the paper book. It is argued that in the present case, the petitioner has not committed the alleged offence and only role of the petitioner was that the money which had come into the account of Gurmail Singh, who was his uncle and has already died in the year 2018, was withdrawn by the petitioner. It is further argued that as per the case of the prosecution, some money had been mistakenly transferred into the account of Gurmail Singh (uncle of the petitioner) instead of the same being given to Gursharanjit Singh, Retired Headmaster and in the said transfer, the petitioner had no role to play. It is also submitted that the petitioner was taking care of the said Gurmail Singh and after his death, he was under the impression that he is entitled to the said money being his legal representative as the said Gurmail Singh was not married. It is also contended that in order to show his bona fide and without admitting his liability, the petitioner had prepared the demand draft amounting to Rs.1,50,000/- and the original of the same has been handed over to Inspector Daljit Singh who is the Investigating Officer of the case and is present in the Court today.

Notice of motion for 10.10.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall

join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The Investigating Officer is directed to handover the said demand draft to the complainant after taking the receipt from him.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 21.09.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from Inspector Seema Rani, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the Investigating Officer has handed over the demand draft amounting to Rs.1,50,000/- to the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 21.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and that the petitioner has complied with the abovesaid order dated 21.09.2022, the present petition is allowed and the interim order dated 21.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

10.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No