

**IN THE COURT OF SH. ASHISH KUMAR BANSAL,
ADDITIONAL SESSIONS JUDGE, MANSA.**

Case Type : BA (Bail Application)
File No. : 797/21.10.2023
CIS Case No. : BA/1751/2023
CNR No. : PBMN010046882023
Date of Decision : 03.11.2023

- 1. Gurpreet Singh aged about 25 years, son of Jagseer Singh son of Sardara Singh, resident of village Kotra Korianwala, District Bathidna.
- 2. Jagsir Singh aged about 51 years, son of Sardara Singh, resident of village Kotra Korianwala, District Bathidna.

...Applicants/accused

Vs.

State of Punjab

First bail application under section 438 Cr.P.C. for grant of anticipatory bail to the applicants in case FIR No. 54 Dated 18.06.2021 under section 420 and 120-B IPC, Police Station, Joga, District Mansa.

Present: Sh. Gurvinder Singh, Advocate, Ld. counsel for applicants/accused.
Sh. P.S. Chahal, Addl.P.P for the State.

ORDER:

1. Accused/ applicants have filed the bail application under section 438 Cr.P.C. for grant of anticipatory bail in the following case:-

FIR No.	Dated	Under Section	Police Station
54	18.06.2021	420 and 120-B IPC	Joga, District Mansa.

Grounds of bail application

2. Apart from the usual grounds, the anticipatory bail of applicants is sought on the ground that the applicants/accused are innocent persons. They have been falsely implicated in the present case. The court of Ld. ACJM, Mansa passed an order wherein accused are directed to be set free forthwith, with the direction to join the investigation as and when so directed. Nothing is to recovered from the applicants/accused and they are ready to join the investigation.

Facts of case

3. The present case was registered on the application moved by Sukhwinder Singh son of Gurtej Singh, resident of Burj Dhilwan; Manpreet Singh son of Jarnail Singh, resident of Bhikhi; Kewal Singh son of Sakina, resident of Village Burj Dhilwan; Gurmeet Singh son of Harinderpal Singh, resident of Bajewala, in which, they alleged that accused Gurpreet Singh, Jagsir Singh and Sukhpreet Singh had floated about 5-6 companies and proclaiming that if a person invested money in those firms, his amount would get double in 6 months. Relying upon the same, complainants of this case deposited various amounts running in lacs. Initially they were paid some interest, but later on the accused failed to pay back their money.

Arguments of ld. Counsel for the applicants

4. Ld. Counsel for the applicants reiterated the averments as made in the application in his arguments. He further submitted that no case is made out against the applicants/accused. He further submitted that

no recovery is to be effected from the applicants/accused. He also submitted that investigation in the present case is already complete and challan only is to be presented in the Court. He further submitted that as per order dated 27.06.21 of Ld. ACJM, Mansa, the accused/applicants who had been arrested were ordered to be set free with a direction to join the investigation and they also joined the investigation in compliance thereof. Now, their custodial interrogation is not required.

Arguments of ld. Addl. PP for the State

5. Ld. Addl. PP for the State argued that in view of the nature and gravity of the offence committed by the applicants/accused do not deserve the anticipatory bail. However, on asking ASI Pala Singh who is present in the court submitted that challan has been compiled and it is only is to be submitted by the Investigating Officer concerned. Though drawing the attention of this court towards statement of ASI Pala Singh, he submitted that Ld. ACJM, Mansa took lenient view in view of Covid virus. Custodial interrogation was not given to the investigating agency and that their custodial interrogation is required because recovery is pending and who other abetted the offence.

Conclusion

6. Record perused. Perusal of record shows that previously during investigation, applicants/accused persons herein had been arrested and as per order dated 27.06.2021, they were ordered to be set free by the ld. ACJM, Mansa due to non-compliance of the directions of the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar & Anr., (2014) 8 Supreme Court Cases 273,

with direction to join the investigation as and when so directed. As per record, the police report u/s 173 Cr.P.c. is also complete duly forwarded by the concerned Ld. Addl. PP for the State on 12.10.2023. Moreover, it is not case of the prosecution that applicants/accused have not joined the investigation in compliance of the order of Ld. ACJM, Mansa. Hence, without commenting upon the merits of the case, applicants/accused are directed to join the investigation within 7 days from today and in that event, applicants/accused shall be released on interim bail on furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount by the investigating officer/arresting officer, subject to the conditions that he make himself available for interrogation by the Investigating Officer as and when required; that he will not directly or indirectly make any inducement, threat or promise to any person connected with the facts of the case so as to dissuade him from deposing such facts before the Court or any police officer; and that he will not leave India without prior permission of the Court.

If the applicants/accused failed to join the investigation with the police within given time, then this order will seize to operate.

Let report be awaited till 14.11.2023.

Date of Order: 03.11.2023

**(Ashish Kumar Bansal),
Addl. Sessions Judge, Mansa.
(UID: PB0240)**