

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19434-2015 (O&M)
Date of Decision: August 19, 2015

Inderpal Singh @ Nihang

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sarbjit Singh Khaira, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for the respondents.

Mr. D.S. Kahlon, Advocate,
for the informant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, Inderpal Singh @ Nihang, son of Chain Singh, resident of village Balagan, Tehsil and District Gurdaspur, who has been booked for having committed the offences punishable under Sections 406 and 420, IPC, in a case arising out of FIR No. 22, dated 16.3.2015, registered at Police Station, Sadar, Gurdaspur.

Learned counsel for the petitioner submits that a false

and frivolous case has been registered against him; even if the whole case of the prosecution is taken at its face value, then also it will disclose the breach of a contract, which will give rise to civil dispute; and that after grant of interim bail, the petitioner has joined the investigation twice and no more required for custodial interrogation.

Learned counsel for the State on instructions from HC Surjit Singh of Police Station, Sadar, Gurdaspur, very fairly concedes that the petitioner did join the investigation, however, the tractor in dispute could not be recovered. He further submits that during investigation it was disclosed by the petitioner that the tractor was handed over to him by the informant on account of some money transactions between them, i.e. petitioner and informant.

Learned counsel for the informant submits that as per his information the petitioner has sold the tractor to a person belonging to Uttar Pradesh.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

While dealing with a petition for grant of anticipatory bail in the matter of cheating etc., the Court has to judge the *ab initio* intention of the accused. In this case, as per prosecution

version the tractor was handed over to the petitioner on 21.8.2014 on the condition that he (petitioner) would pay ₹1,000/- (Rupees one thousand only) per day to the informant. When he failed to do so, then on 4.10.2014 a complaint was presented before the police for taking action against the petitioner and thereafter FIR was registered on 16.3.2015.

As the case it may, it is not disputed that the petitioner has joined the investigation twice and despite thorough grilling, the tractor in dispute could not be recovered from him.

Keeping in view the totality of the facts and circumstances of case, the present petition is allowed. The ad-interim directions issued by this Court vide order dated 16.6.2015 are made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down in Section 438(2), Cr.P.C.

(NARESH KUMAR SANGHI)
JUDGE

August 19, 2015
Pkapoor