

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19706-2015

Date of decision: 28.07.2015

Kanta and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. RS Ahluwalia, Advocate for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

R.P. NAGRATH, J. (ORAL)

Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to petitioners, namely; Kanta and Satpal in FIR No. 84 dated 21.05.2015 registered under Sections 406/420/120-B of the Indian Penal Code at Police Station Division No. 7, Jalandhar, District Jalandhar.

When this case was listed on 11.06.2015, following order was passed:-

“It is the contention of the counsel for the petitioners that the cheques, which are alleged to have been issued by the petitioners, are from a chequebook, which was issued to the petitioners on 26.02.2008 as per the certificate dated 08.06.2015 (Annexure P-2) issued by the Manager, Punjab National Bank, SGL

Branch, Jalandhar. He has referred to the bank transactions, copy of which has been appended as Annexure P-3, to contend that all cheques except these two cheques (Annexure P-5) have been encashed during the years 2008 to 2011. As a matter of fact, these cheques were issued as security to the complainant because he had invested an amount of ₹12 lakhs in the property business, which was run by the brother of petitioner No.2. In pursuance to the said transaction, an amount of ₹17 lakhs has already been paid to the complainant, although the petitioners have no proof thereof. He contends that this is primarily a dispute where an amount of ₹12 lakhs, even if taken on the face of it, is accepted to have been received by the petitioners and for the dishonour of cheques, proceedings under Section 138 of the Negotiable Instruments Act, 1881, have been initiated by the complainant Gurkirpal Singh against petitioner No.1. The legal notice was served upon petitioner No.1 on 10.04.2015 because of the dishonour of cheques, which have been shown to have been drawn on 10.02.2015 and 12.02.2015. Counsel thus contends that the present F.I.R. has been registered with an intention to put pressure upon the petitioners. Reference has also been made to the police proceedings dated 20.02.2015 on the complaint of the petitioner, where this aspect has been highlighted and the investigating agency has also come to the conclusion that the offence is made out as the cheques have bounced. Counsel further states that petitioners are ready and willing to join, participate and cooperate in the investigation.

Notice of motion for 28.07.2015.

Petitioners shall join the investigation as and when called for by the Investigating Officer. In the event of arrest of the petitioners, they shall be released on interim bail to the satisfaction of Investigating/Arresting Officer subject to the following conditions apart from others as specified under Section 438 (2) Cr.P.C.:-

- i) that they shall make themselves available for interrogation by a police officer as and when required;*
- ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- iii) that they shall not leave India without the previous permission of the Court.”*

On instructions from ASI Surinder Singh, learned State counsel submits that the petitioners have joined the investigation, in deference to the order dated 11.06.2015 and they are no more required for further interrogation.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioners vide order dated 11.06.2015 is made absolute and the petitioners shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

July 28, 2015
rishu

(R.P. NAGRATH)
JUDGE