

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-28302 of 2014

.....

Date of decision:18.2.2015

Sunil Kumar Sharma

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Harish Sharma, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.19 dated 1.2.2014 registered
for the offence under Section 420 IPC at Police Station Division No.7
(Vardhman), Ludhiana, District Ludhiana.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned counsel for the petitioner and learned
Deputy Advocate General, Punjab appearing for the respondent-State and
have gone through the record.

From the record, I find that FIR in the present case has been

registered on the application of Taljinder Singh. The allegation against the present petitioner is that he misappropriated a sum of ₹1,85,000/-, which was an amount given by the complainant for settling the dispute with his wife. It is also stated that ₹1,75,000/- were handed over to Charanjit Singh, S.H.O. in N.R.I. Police Station. An affidavit of Charanjit Singh, S.H.O. has also been filed today in the Court, who has now retired from service. He stated that this money, which was paid by the complainant for further handing over the same to his wife Poonam alias Simran, was handed over to present petitioner in his presence.

The petitioner has already joined the investigation. There is neither any receipt nor zimini nor DDR in Police record of Police Station N.R.I. regarding this amount given for the settlement of dispute. Otherwise also, the present petitioner is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 21.8.2014 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 18, 2015.

(Inderjit Singh)
Judge

hsp