

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-33106-2014
Date of decision:1.5.2015

Mohan Singh Thakur

...Petitioner

Versus

State of UT Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.G.S.Sandhu, Advocate for the petitioner.

Mr.A.S.Virk, Advocate for respondent No.1.

Mr.N.C.Kinra, Advocate for respondent No.2.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.96 dated 26.3.2014 registered under Section 420 IPC at Police Station Sector-17, Chandigarh.

Notice of motion was issued and interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of the order dated 24.9.2014 passed by this Court, petitioner has joined the investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the UT Chandigarh, also fairly states that petitioner has joined the investigation and is no more required for any further investigation.

However, learned counsel for the complainant has strenuously argued that petitioner is indulging in similar kind of offences repeatedly and he is not entitled for concession of anticipatory bail. He submits that more than one complaint under Section 138 of the Negotiable Instruments Act,

1881, ('NI Act' for short) are pending against the petitioner. Civil suits are also pending against him. Petitioner is a habitual offender because of which the present petition is liable to be dismissed.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation of the instant case, petitioner has been found entitled for concession of pre-arrest bail. It is so said, because petitioner has joined the investigation, in compliance of the order dated 24.9.2014 passed by this Court. He has cooperated with the investigating agency and he is no more required for the purpose of any further investigation. On the basis of complaints under Section 138 of NI Act and civil suits, concession of pre-arrest bail cannot be denied to the petitioner in the present case.

In view of the peculiar fact situation of the case noticed hereinabove and without commenting anything further, lest it should prejudice the rights of either of the parties, the order dated 24.9.2014 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

1.5.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE