

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.R.M-M No.33539-2014 (O&M)

Date of Decision : 31.08.2015

Sadhu Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. N.S.Malmajra, Advocate
for the complainant.

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?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.112 dated 05.09.2014 registered under Sections 420, 465, 467, 468 and 471 IPC at Police Station Sudhar, District Ludhiana.

The allegations in the FIR that the petitioner defrauded the complainant by representing to him that he had access to latest seed HD 2967 breeder variety wheat seed and the complainant on the basis of some forged documents which the petitioner produced believed him and

made a payment of Rs.16,50,000/- being 50% amount of the total ordered quantity. However, neither any seed was given nor his money returned. When he later on made inquiry it transpired that HD 2967 had not been even notified in that year. The contention of learned counsel for the petitioner is that the complaint was made two year after the alleged occurrence and this fact alone shows that the petitioner is not guilty.

Learned counsel for the complainant on the other hand has argued that the complainant had actually met with an accident in the year 2010 and that is why he could not make the complaint for a period of two years.

Learned Additional Advocate General has argued that the petitioner is required to find out from him as to from where he got the forged bills prepared.

In view of the facts and circumstances of the case, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed.

In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

31.08.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**