

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

CRM-M-34734-2015

Date of decision: 10.12.2015

Rakesh Kumar @ Kala

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. B.S. Sra, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.76 dated 18.09.2015 under Sections 381, 408 IPC, registered at Police Station 'D' Division, Amritsar, District Amritsar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation and cooperated with the investigating agency. He further submits that in view of the nature of allegations levelled against the petitioner, his custodial interrogation would not be required. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Arjun Singh, Police Station 'D' Division, Amritsar, submits although the petitioner has joined the investigation but he did not cooperate

with the investigating agency in getting the recovery effected. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that in the given fact situation obtaining in the present case, petitioner has been found entitled for the concession of anticipatory bail, at the hands of this Court. It is so said because if it was a case of money recovery, the investigating agency would not turn itself into a recovery agency for the complainant who shall always be at liberty to seek appropriate remedy, in accordance with law. However, it is not even the argued case on behalf of the respondent-State that petitioner has ever tried to misuse the concession of interim anticipatory bail granted to him.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side, instant petition is allowed and the order dated 09.10.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

10.12.2015
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