

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

CRM-M-38378 of 2015 (O&M)

Date of decision : 22.12.2015

Sunil Kumar @ Sanju

...Petitioner (s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K. B. Raheja, Advocate for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab
assisted by SI Baljit Singh.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in a case FIR No.94, dated 28.08.2015, registered under Sections 420, 406, 120-B of the Indian Penal Code (for short 'the IPC') at Police Station Khuian Sarwar, District Fazilka.

The learned counsel for the petitioner contends that in pursuance of the orders dated 06.11.2015 and 20.11.2015, the petitioner has joined the investigation. The petitioner being a small time contractor and has no concern with the brick kiln of the complainant. The petitioner did not receive any amount as alleged by the complainant. There is no evidence

with regard to entrustment of the alleged amount to the petitioner.

The learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and the investigation is still in progress. She further contends that the allegations against the petitioner is that the he did not disburse the amount of Rs. 15,00,000/- among the labourers, entrusted to him by the complainant for the said purpose.

Heard.

Except the bald statement of the complainant, there is no evidence on record with regard to the entrustment of Rs.15,00,000/- to the petitioner. The petitioner in pursuance of the order passed by this Court has already joined the investigation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide orders dated 06.11.2015/20.11.2015, are made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

22.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE