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

CRM-M-42915 of 2014

Date of decision: August 10, 2015

Sukhdev Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. M.S. Sidhu, Advocate
for the petitioner.

Mr. R.S. Sidhu, AAG Punjab.

Mr. Anurag Chopra, Advocate
for respondent No.2.

SABINA, J

Petitioner has filed this petition under Section 439 (2) of Code of Criminal Procedure, 1973 seeking cancellation of anticipatory bail granted to the respondent No.2 vide order dated 04.11.2014.

Prosecution story in brief is that the petitioner had given his Tractor to Avtar Singh to enable him to cultivate his land. However, Avtar Singh failed to return the Tractor to the petitioner, but sold the same to respondent No.2.

Learned counsel for the petitioner has submitted that the Tractor in question had not been recovered so far. Therefore, anticipatory bail granted to respondent No.2 by the learned Additional Sessions Judge was liable to be cancelled.

In fact, respondent No.2 had stated incorrect facts before the

Additional Sessions Judge at the time of grant of anticipatory bail to him.

Learned counsel for the respondent No.2, on the other hand has opposed the petition and has submitted that respondent No.2 had merely purchased the Tractor from Avtar Singh and had returned the same to the son of Avtar Singh and in this regard, Avtar Singh had issued a cheque in the sum of ₹4,10,000/- in the favour of respondent No.2.

A perusal of the impugned order dated 04.11.2014 reveals that respondent No.2 had joined investigation, but the Tractor in question had not been recovered from him.

The case of the respondent No.2 is that he had returned the Tractor in question to the son of Avtar Singh and Avtar Singh had issued a cheque in favour of respondent No.2 in the sum of ₹4,10,000/-. Although, the said cheque had bounced, but the fact remains that the petitioner had joined investigation and so far as Avtar Singh is concerned, he was arrested and was granted regular bail.

In the facts and circumstances of the present case, no ground for cancellation of anticipatory bail granted to respondent No.2 vide order dated 04.11.2014, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 10, 2015
mahavir