

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

**CRM-M No.10952 of 2016 (O&M)
Date of Decision : 23.08.2016**

Partap Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manish Dadwal, Advocate
for the petitioner.

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

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.16 dated 27.02.2016 registered under Section 420 IPC at Police Station City Hoshiarpur.

On 31.03.2016 the following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR No.16 dated 27.2.2016 under Section 420 IPC,PS City Hoshiarpur.

Allegations levelled by complainant-Bachitar Singh are that a sum of Rs.10 lacs was paid to the petitioner accused in the year 2010 for sending his (complainant's) son to New Zealand. Neither the money has been returned nor complainant's son sent to New Zealand.

It is contended that there is a dispute of a loan amount of Rs.1 lac with interest for which false case has been foisted. It is next contended that petitioner is ready and willing to amicably settle the matter with the complainant.

Notice of motion for 19.5.2016.

Till the next date, in the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.

Parties are directed to remain present in Court on the next date of hearing.

Investigating Officer shall ensure presence of complainant in Court on the next date of hearing.”

As per the allegations the petitioner obtained Rs.10.00 lacs from the complainant to send his son abroad and at one stage returned Rs.1.00 lac also.

As per learned counsel for the petitioner this is actually a

occurrence.

Learned Additional Advocate General on instructions from ASI Ravinder Singh states that he is not in a position to deny that the FIR has been lodged after 5 years but states that the dispute is not regarding loan amount but dispute is that the petitioner has taken the money from the complainant to send his son abroad.

Be that as it may, in view of the fact that the FIR has been lodged 5 years after the incident, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 31.03.2016 is made absolute 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.

23.08.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No