

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.19264 of 2015(O&M)

Date of Decision:-11.01.2016

Parmod Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. N.S. Shekhawat, Advocate for the Petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana
assisted by ASI Ajit Singh.

Mr. Ajay Bhardwaj, Advocate for
Mr. Surender Deswal, Advocate for the Complainant.

JASWANT SINGH, J.(ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Parmod Kumar in case FIR No.188 dated 13.5.2015 for offences punishable under Sections 403, 406, 420 and 506 of Indian Penal Code registered with Police Station Rajendra Park, District Gurgaon.

As per the allegations levelled by the complainant Jeevan Lata there was a loan for a sum of Rs.5,50,000/-tendered to the present accused and in lieu of securing the same he had executed an affidavit and issued a blank cheque to the complainant. On 3.5.2015, the complainant along with her husband were induced to come to the house of the accused on the

pretext of returning the loan while blank cheque and affidavit were returned, however, the amount was not handed over to the complainant party.

However, it is submitted on behalf of the petitioner accused that the said amount in cash was factually returned on 7.5.2014 in presence of the witnesses. It is further contended that even otherwise a matter of civil dispute was being given a criminal colour so as to put unnecessary pressure on the petitioner.

Learned Counsel at the time of hearing today submits that the petitioner has since joined investigation.

Learned State Counsel assisted by ASI Ajit Singh submits that although the petitioner has joined investigation, however, the returned affidavit is yet to be obtained.

On a pointed query learned Counsel for the complainant is unable to point out that even in the absence of the return of the said affidavit, the prosecution case would be hampered.

Without commenting on the merits of the case, keeping in view the present circumstances, interim protection/pre-arrest bail granted vide order dated 09th of June, 2015 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

January 11, 2016
Vinay