

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

(i) Criminal Misc.No.M-26161 of 2016(O&M)
Date of Decision : 07th September, 2016

Surinder Singh and others Petitioners

Versus

State of Punjab Respondent

(ii) Criminal Misc.No.M-27014 of 2016(O&M)
Date of Decision : 07th September, 2016

Manjit Kaur Petitioner

Versus

State of Punjab Respondent

(iii) Criminal Misc.No.M-26328 of 2016(O&M)
Date of Decision : 07th September, 2016

Rajinder Singh and others Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bipin Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate and
Mr. Deepanshu Mehta, Advocate
for the petitioners in Criminal Misc.No.M-26161 of 2016 and
Criminal Misc.No.M-27014 of 2016.

Mr. R.S.Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate,
for the petitioners in Criminal Misc.No.M-26328 of 2016.

Mr. K.S.Pannu, DAG, Punjab
for the respondent(s)-State.

Mr. D.S.Sobti, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This order shall dispose of Criminal Misc.No.M-26161 of
2016, Criminal Misc.No.M-26328 of 2016 and Criminal Misc.No.M- 27014

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of 2016, filed by the petitioners under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.41 dated 22.05.2016, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Daresi, Ludhiana.

The complainant and the accused are progeny of Sardar Natha Singh and they are for many years stated to be running substantial businesses together. Thereafter, differences cropped up between them and at different stages, settlements were also made. The precise case in the present FIR is that three blank cheques of the complainant were stolen and a sum of Rs.18,00,000/- was withdrawn by forging his signatures on those cheques. The FIR also mentions that after the petitioners came to know about the filing of the complaint, they entered into a compromise, as per which they had to give certain amount and some properties to the complainant and it had further been agreed that the complainant would withdraw the present complaint. But even in the implementation of the compromise, the petitioners-accused acted dishonestly thereby causing further loss to the complainant.

Counsel appearing on behalf of the petitioners would argue that they have faithfully adhered to the compromise and the complainant is now using this FIR to squeeze them further.

Counsel for the complainant, on the other hand, asserts that the accused had initially entered into compromise only because they were afraid of the penal consequence of their forgery but thereafter did not adhere to the compromise and in the compromise, it was specifically mentioned that in case the accused persons renege, the complainant would be at liberty to revive his complainant. After that, the complaint was revived and the FIR

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was registered. It is against this back drop of fact that claim for anticipatory bail has to be judged.

In my opinion, the criminality or otherwise of the accused persons, is a matter of documentary evidence and consequently, at this stage, custodial interrogation of the petitioners would not be required.

In these circumstances, the petitions are allowed. The petitioners are directed to appear before the concerned Investigating Officer on 15.09.2016 between 10.00 am. to 04.00 p.m. and on any other day when concerned Investigating Officer requires their presence and would otherwise cooperate with him/her. On appearance, the petitioners be released on bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, they shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(AJAY TEWARI)
JUDGE

07th September, 2016

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No