

CRM-M No.32268 of 2016 (O&M)

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

CRM-M No.32268 of 2016 (O&M)

Date of decision : 24.09.2016

Ashok Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.S.Grewal, Advocate
for the petitioner.

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

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.78, dated 29.03.2016 registered under Sections 406/420 IPC at Police Station City 1, Abohar, District Fazilka.

As per the allegations the money had been mis-appropriated

by Davinder Singh but the cheque had been encashed by the petitioner.

On 20.09.2016 the following order was passed :-

“Counsel for the petitioner states that the petitioner and one Davinder Singh were standing at the cash counter where Davinder Singh had to get a cheque encashed and that the main accused asked the petitioner to get his cheque also encashed. Since the main accused was also his colleague, the petitioner presented his cheque for encashment.

Counsel for the respondent seeks a short adjournment to enable the IO to go into these aspects.

Adjourned to 24.9.2016.”

Learned Additional Advocate General on instructions from ASI Gurmail Singh states that at this stage what the petitioner has stated has been prima facie verified.

In this view of the matter, I see no reason to dismiss the petition.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 22.09.2016 and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his

satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

24.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No