

CRM-M-33078-2016

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

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Date of Decision: 04.11.2016

Pawan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Brahminder Singh Toor, Advocate,
for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab.

Mr. P.S.Khurana, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner, Pawan Kumar, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.07 dated 15.06.2016, registered at Police Station NRI Jagraon, District Ludhiana, under Section 420 of the Indian Penal Code.

Notice of motion was issued. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also put in appearance through his counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have gone through the record.

From the record, I find that as per FIR, the petitioner had

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received Rs.5 lacs from the complainant on 04.08.2014. As per the FIR, itself, the complainant came to know on 03.11.2014 that the present petitioner is a fraud person. However, the complainant filed the complaint/application on 18.08.2015 and the FIR was registered only on 05.06.2016.

In pursuance of the interim order dated 30.09.2016 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed. The order dated 30.09.2016, granting interim bail to the petitioners, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

04.11.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No