

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

Sr. No. 201

CRM NO. M-32527 of 2015

DECIDED ON: December 21, 2016

MANJIT SINGH BALA

..PETITIONER

VERSUS

UNION TERRITORY, CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Vaibhav Sahni, Advocate
for the petitioner.

Mr. D.S. Brar, APP for UT Chandigarh.

None for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest, feeling apprehension of his arrest, in case bearing FIR No. 302, dated August 03, 2015, under Sections 406, 420 IPC, registered at Police Station Sector 17, Chandigarh, during pendency of trial.

At the time of issuance of notice of motion on September 23, 2015, following order was passed:

“Prayer is for grant of anticipatory bail in case FIR No.302 dated 3.8.2015 under Sections 406/420 IPC,PS Sector 17,Chandigarh.

As per allegations complainant-Brig.MPS Bajwa transferred an amount of Rs.69,05,000/- in the account of M/s Taipan Traders Limited for purchase of two Mercedes Benz Cars “S Class” way back on 11.2.2009. Petitioner was director of M/s Taipan Traders Limited and therefore has been accused of usurping the said amount since

neither the money was returned nor the cars have been supplied.

It is contended that the money was deposited in the account of the Company, which has independent existence and is still functioning. The petitioner is stated to have resigned from the Directorship in the year 2010. Even the complaint has been filed after an unexplained delay of more than six years.

Notice of motion for 29.10.2015.

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.”

On instructions from S.I. Sohan Lal, Police Station E.O. Wing, Chandigarh, Learned State counsel has submitted that in compliance of order dated September 23, 2015 petitioner has already joined the investigation and also handed over the requisite documents, meaning thereby his custodial interrogation is not required.

Accordingly, order dated September 23, 2015 is made absolute and shall enure during the pendency of trial.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

December 21, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No