

CRM-M No.34788 of 2015 (O&M)

::1::

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

CRM-M No.34788 of 2015 (O&M)

Date of Decision : 09.09.2016

Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.K.Garg, Advocate for the petitioner.

Mr. R.S.Randhawa, Addl. A.G., Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.257 dated 18.07.2015 registered under Sections 408/420/120-B IPC at Police Station Focal Point, Ludhiana, District Ludhiana City.

On 09.10.2015 the following order was passed:-

“Learned counsel for the petitioner contends that the petitioner was required to perform the duty of collection of cash from the OPD and IPD billing staff (cashier etc.) and thereafter, to deposit the same in the bank. He further contends that in this manner, whatever the amount has been collected from the cashiers, the same was deposited with the bank. Therefore, there is no question of criminal breach of trust.

Notice of motion for 22.12.2015.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned Additional Advocate General, on instructions from ASI Surinder Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 09.10.2015 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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

09.09.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No