

CRM-M-35132-2015 (O&M)

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

**CRM-M-35132-2015 (O&M).
Decided on: February 5, 2016.**

Des Raj

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Sherry K. Singla, Advocate,
for the petitioner.**

Ms.H.K.Athwal, DAG, Punjab.

**Mr.R.K.Handa, Advocate and
Mr.Madan Sandhu, Advocate,
for the complainant-respondent No.2.**

M.M.S. BEDI, J (ORAL).

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Bhushan Kumar alleging that the petitioner had stolen cheques and other documents of the complainant while he was working as Accountant in his shop and that the proceedings have been filed on the basis of said cheques.

Claim of the petitioner is that, he has been involved in the criminal case as a counterblast to his complaint under Section 138 of the Negotiable Instruments Act, as the complainant had issued cheques of Rs.7 lacs in favour of the petitioner which were

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dishonoured.

Counsel for the complainant has intervened to oppose the application for pre-arrest bail contending that the petitioner should withdraw the complaint under Section 138 of the Negotiable Instruments Act, in order to get relief in this case

I have considered the facts and circumstances of the case. It will not be appropriate to consider whether the present criminal proceedings against the petitioner are in the nature of defence plea or it is actually a case of theft committed by the petitioner in the capacity as Accountant. The petitioner has joined investigation. It does not appear to be a case of custodial interrogation for recovery of any article.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to all the conditions under Section 438 (2) Cr.P.C.

Nothing said in this order will prejudice the right of any of the parties in proceedings under Section 138 of the Negotiable Instruments Act or any other pending proceedings.

February 5, 2016.
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(M.M.S. BEDI)
JUDGE