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

C.R.M-M No.3878 of 2016

Date of Decision : 08.08.2016

Ramesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rajinder Kumar Singla, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. G.B.S. Gill, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.4 dated 06.01.2016, registered under Section 420 IPC, at Police Station Nahianwala, District Bathinda.

On 05.02.2016 the following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR

No.4 dated 6.1.2016 under Section 420 IPC, PS Nahianwala, distt. Bathinda.

In brief it is submitted that complainant Rahul Kumar was a Salesman in the proprietorship firm of the present petitioner-Ramesh Kumar. During his employment he has embezzled a sum of Rs.8.80 lacs and on detection, he and his father had issued three cheques for a total sum of Rs.8.80 lacs in February 2014 for avoiding the lodging of FIR. The said cheques were dishonoured leading to the present petitioner filing three separate complaints under Section 138 of the Negotiable Instruments Act,1881 against the complainant and his parents. The present FIR has been lodged by aforesaid Rahul with the allegations that the present accused alongwith co-accused Jagsir Singh and Gurvinder Singh obtained signatures of the complainant on a blank cheque and also snatched his Zen Car and thereafter by forging documents the said car was sold. It is contended that present FIR has been lodged with totally false averments as a counterblast to the proceedings initiated by the petitioner against the complainant.

Notice of motion for 4.4.2016.

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. ”

Learned counsel for the petitioner states that the petitioner has joined the investigation.

Learned Additional Advocate General on instructions from H.C. Malkiat Singh has stated that the entire case is based on documentary evidence and nothing is to be recovered from the petitioner. She has further accepted that custodial interrogation of the petitioner is not required.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 05.02.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

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

August 08, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No