

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

CRM-M-40261-2014 (O&M)
Date of decision : 19.10.2016

Surinder Kumar Chugh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Cheema, Advocate for the petitioner

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Karam Singh.

Mr. Parminder Singh, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in FIR No.348 dated 06.10.2014, registered under Sections 420, 465, 467, 468, 471, and 120-B of the Indian Penal Code (for short 'the IPC') and Section 201 IPC (added later on), at Police Station Kotwali, Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the order dated 31.08.2016, passed by this Court. The petitioner is neither named in the FIR nor any specific role is attributed to him. The petitioner being the Branch Manager performed his duty and cleared the cheque in question as per procedure. The cheque in question was filled in and signed by the complainant himself as is clearly made out from the handwriting expert report brought on record of

learned Court of Chief Judicial Magistrate on 18.12.2014, photocopy of which is taken on record as Mark 'A'. The present FIR was lodged after a delay of 10 months.

On the other hand, learned State counsel, on instructions, submits that the petitioner has joined the investigation. The learned counsel for the complainant states that the cheque in question was not signed by the complainant at two different places and only on one place, his signatures were there and because of cutting, there were initials, which is not of the complainant.

Heard.

Considering the fact that the petitioner is not named in the FIR; being the Branch Manager performed his duty and cleared the cheque in question; the report of the handwriting expert suggest that the alleged cheque was filled in and signed by the complainant; and he is not beneficiary, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 31.08.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

19.10.2016
ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No