

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

CRM-M -5 of 2016 (O&M)

Date of decision: 14.09.2016

Jeewan Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Sangha, Sr. Advocate with
Mr. A.K. Khunger, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.
assisted by HC Rajpal Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.114 dated 02.07.2014, registered under Sections 406 and 120-B IPC, at Police Station City, Sri Muktsar Sahib, District Sri Muktsar Sahib.

On 05.01.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR No. 114, dated 02.07.2014, for offences punishable under Sections 406 and 120-B of the Indian Penal Code, registered at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib.

Allegations against the petitioner is that he has not supplied the entire quantity of custom mill rice as per the agreement for the season 2008-09.

It is contended that although a liability to the tune of Rs. 85 lacs has been fastened upon the petitioner in the civil litigation, the present FIR has been lodged beyond the period of three years' limitation and, therefore, there is a complete bar to taking of the cognizance in the light of provision of Section 468 of the Code of Criminal Procedure, 1973.

Notice of motion for 16.02.2016.

In the meanwhile, 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. The petitioner shall appear before the Investigating Officer, as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438 (2) Cr.P.C."

It is contended that in pursuance of the order dated 05.01.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 05.01.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

14.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No