

Sr. No.216

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-7595 of 2016 (O&M)
Date of Decision: 26.04.2016

Samar Sajan and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Amandeep Chhabra, Advocate for
Mr. J.P.S.Brar, Advocate,
for the petitioners.

Mr. D.S.Virk, AAG, Punjab.

Mr. Aman Dhir, Advocate,
for the complainant.

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TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.22 dated 09.02.2016, under Sections 420/406 of Indian Penal Code, registered at Police Station Civil Lines, District Bathinda.

At the very outset, it may be noticed that the instant petition qua petitioner No.2 Manoj Kumar son of Tek Chand already stands dismissed.

Notice of motion was issued on 30.03.2016 in the present petition only in respect of petitioner No.1, namely, Samar Sajan and the same reads as under:-

“Counsel, at the very outset, makes a

statement that he is not pressing the instant petition filed under section 438 Cr.P.C seeking concession of pre-arrest bail qua petitioner no.2.

Accordingly, the present petition qua petitioner no.2 Manoj Kumar son of Tek Chand, is dismissed.

It is contended that in so far as the allegations as regards misappropriation of Rs.7 lacs are concerned, the same are primarily targeted against Manoj Kumar and not petitioner no.1 namely Samar Sajan. Even the cheque dated 4.9.2015 of an amount of Rs.7 lacs issued in the name of the complainant is stated to have been issued under the signatures of Manoj Kumar. It has also gone uncontroverted during the course of arguments that the other cases pertaining to proceedings under section 138 of Negotiable Instruments Act are pending against Manoj Kumar and not petitioner no.1. Petitioner no.1 otherwise is stated to be aged about 19 years and a student of 10+2.

Notice of motion, returnable for 26.4.2016.

In the meanwhile, petitioner no.1 is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Gurmukh Singh apprises the Court that petitioner No.1 has since joined investigation and is not required for any custodial interrogation.

Accordingly, petition qua petitioner No.1, namely Samar

Sajan is allowed and order dated 30.03.2016, passed by this Court,
is made absolute.

Disposed of.

26.04.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE