

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

***CRM No.M-831 of 2016 (O&M)
Date of decision: 02.03.2016***

Rakesh Kumar

... Petitioner

vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. D.K. Prajapati, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.49 dated 10.05.2015, under Sections 420/406/467/468/471/472/120-B IPC, registered at Police Station Nihal Singhwala, District Moga.

On 11.01.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioner seeks the concession of pre-arrest bail in case FIR No.49 dated 10.05.2015, under Sections 420/406/467/468/471/472/120-B IPC, registered at Police Station Nihal Singh Wala, District Moga.

Counsel would submit that the name of the petitioner does not even figure in the FIR. Complainant is Ajaib Singh and the allegations are primarily targeted against one Mohinder Singh @ Minda, who had agreed to purchase the truck in question from the complainant for a total sale consideration of Rs.3,70,000/- out of which

Rs.65,000/- was paid as earnest money and the remaining amount has not been paid even though possession of the truck was handed over to Mohinder Singh.

Counsel would argue that the petitioner is only a scrap dealer and in any case co-accused Mohinder Singh has been granted the concession of regular bail vide order dated 11.08.2015 passed by the learned Additional Sessions Judge, Moga.

Notice of motion, returnable on 02.03.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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 HC Mangal Singh would apprise the Court that the petitioner has since joined investigation. That apart, even the observations contained in the notice of motion order have gone un rebutted.

Accordingly, the present petition is allowed. Order dated 11.01.2016 passed by this Court is made absolute.

Disposed of.

02.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**