

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

CRM-M-899-2016 (O&M)
Date of decision : 01.09.2016

Akshbar Nath Mishra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. GBS Dhillon, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Gobind Parshad.

Mr. G.S. Bedi, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for grant of pre-arrest bail in case FIR No.205 dated 02.12.2015, registered under Section 420 of the Indian Penal Code, at P.S. Division No.4, Ludhiana.

This Court on 12.01.2016, passed the following order:-

“Petitioner seeks the concession of pre-arrest bail in FIR No. 205 dated 02.12.2015 registered under Section 420 IPC at Police Station Division No.4, Ludhiana.

A perusal of the FIR would reveal that the same was registered on the complaint of Shankar Prasad. Allegations are with regard to the petitioner having induced the complainant to part with a sum of almost ₹ 8 lacs in the years 2005-06 to facilitate the entry of the daughter of the complainant into Railway

service.

Counsel for the petitioner would inter alia contend that the allegations on the face of it are pre-postorous. It is submitted that for a period of 10 years approximately, the complainant had not made any representation/complaint to any authority concerned as regards the amount of money having been taken from him. It is further submitted that the petitioner is otherwise ready and willing to join investigation.

Notice of motion for 03.03.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

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, on instructions, submits that though the petitioner has joined the investigation but he is not cooperating and the amount of ₹8,20,000/- is still to be recovered. She further states that the petitioner has admitted his liability and issued cheque dated 31.08.2015, which stands dishonoured.

Learned counsel for the complainant contends that the petitioner is a habitual offender.

Heard.

The transaction pertains to the years 2005, which as per the record, came to the knowledge of the complainant in the year 2006. The present FIR was registered on 02.12.2015, wherein there is no reference of

the cheque dated 31.08.2015. The impact of the signatures on the cheque allegedly issued by the petitioner on 31.08.2015, shall be considered by the trial Court, at appropriate stage.

Keeping in view the above and the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 12.01.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

01.09.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No