

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12050 of 2017

Date of Decision: 16.11.2017

Harjinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Joban Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Bhaskar Sharma, Advocate
for Mr. Ankur Mittal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.14 dated 16.01.2015 registered for offences punishable under Sections 212, 216, 389, 420, 120-B of Indian Penal Code (for short 'IPC'), at Police Station Division no. 5, Ludhiana, District Ludhiana. (Offences punishable under Sections 467, 468 and 471 IPC were added later on).

Heard.

Learned State counsel submits that there was a partnership between petitioner and Radha daughter of complainant-Barjinder Kumar. Partnership deed was executed on 10.01.2014 and this partnership was dissolved on 22.09.2014. However, as per allegation of complainant he has given ₹31,50,000/- for sending and settling his son Madhav abroad and also in the name of printing press of petitioner. The police has yet to verify as to

where the amount of two cheques of ₹5 lacs each was accounted for? Another amount of ₹4,50,000/- was admittedly given for purchase of machines from the printing press. The petitioner is not in the business of travel agent and it is a matter of investigation to see as to whether payments, as alleged by complainant, were made by complainant towards partnership business or for sending and settling his son abroad.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 10.04.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

November 16, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No