

CRM-M-23869-2017

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

CRM-M-23869-2017

Date of Decision:18.08.2017

Santosh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Saravpreet Gurna, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. Naveen Sharma, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Santosh Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.288 dated 03.12.2016, registered at Police Station Salem Tabri, Ludhiana, under Sections 420, 411 and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

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From the record, I find that as per the allegations in the FIR, the present petitioner gave cheque bearing No.603250 to the complainant from his account which was in the name of M/s Gungun Trading Company and also gave drafts to the tune of ₹4 lakhs as security and thereafter borrowed amount of ₹5 lakhs from the complainant. It is also stated that the cheque was dishonoured and the drafts were stated to be stolen one.

Learned counsel for the petitioner stated that the complainant was knowing that these drafts were in the name of other persons. There is no evidence that the same have been stolen one.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case at this stage, I find that the petitioner has already joined the investigation; he is not required for custodial interrogation and that case is based on the documentary evidence, therefore, no useful purpose will be served by sending the petitioner to custody. Finding merit in the present petition, the same is allowed and the order dated 18.07.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

18.08.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No