

CRM-M-30682-2017

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

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Date of Decision:01.11.2017

Pawan Kumar alias Titu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Jasmeet Mehra, Advocate for
Ms. Rishma Verma, Advocate,
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Gursimran Singh, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Pawan Kumar alias Titu has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.55 dated 19.04.2017, registered at Police Station Division No.4, District Jalandhar, under Sections 406, 420 and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant 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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Learned counsel for the petitioner stated that a compromise has already been effected between the parties. She has also produced the photocopy of statement of complainant-Randhir Singh, which was got recorded before the Court of Chief Judicial Magistrate, Jalandhar. Same is taken on record.

Perusal of the aforesaid statement shows that the complainant has received ₹2,80,000/- in cash and two cheques amounting to ₹35,000/- each have also been received by him from co-accused, Rajnish Sharma.

Learned counsel for the complainant submitted that money has been paid only by Rajnish Sharma and no money has been paid by the present petitioner.

The allegation in the FIR is that an amount of ₹5,85,000/- was paid on the pretext of sending abroad.

In pursuance of the interim order dated 25.08.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details; without expressing any opinion on the merits of the case and in view of the statement of complainant got recorded before the court in respect of taking substantial amount from co-accused, Rajnish Sharma, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. The order dated 25.08.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon

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to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

01.11.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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