

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3141 of 2017

Date of Decision: 06.04.2017

Gulshan Sharma

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Sudhir Partuhi , 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. 153 dated 12.11.2016 registered for offences punishable under Sections 380, 420 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station Division No. 4, Jalandhar, District Jalandhar City.

Heard.

Allegation against the petitioner is that on 08.04.2016, he manhandled the complainant and snatched his signed cheques, which were later on given to co-accused Hari Om Dubey for withdrawal of ₹2 lacs from account of the complainant.

Learned State counsel submits that as per order dated 01.02.2017, petitioner has joined the investigation. However, recovery of ₹2 lacs is yet to be effected from him.

Learned counsel for the complainant submits that even after grant of interim bail, the petitioner has given threats to complainant regarding which DDR No. 37 dated 03.04.2017 was got recorded. On

08.04.2016, petitioner and Sham Sunder brutally attacked complainant and took away his signed cheques out of which one cheque of ₹2 lacs was endorsed to Hari Om Dubay, who withdrew payment of ₹2 lacs from account of the complainant.

The dispute pertains to signed cheques of complainant. The cheque was allegedly taken away by petitioner on 08.4.2016, but presented to the bank after three months. This fact is to be seen by the police during investigation as to under what circumstances the cheques came to the petitioner and why payment of cheque was not stopped by complainant when it was taken away.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 01.02.2017 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.

The police may take further action against the petitioner with respect to DDR No. 37 dated 03.04.2017.

April 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No