

CRM-M-31444-2017

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

CRM-M-31444-2017

Date of Decision: 06.11.2017

Makhan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Makhan Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.154 dated 24.10.2016, registered at Police Station Model Town, District Hoshiarpur, under Sections 420 and 406 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 contested this petition.

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

From the record, I find that as per the allegations, ₹15,000/- was deposited in the account of the petitioner-accused, ₹1,35,000/- was

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given in cash on stamp papers and ₹99,000/- was deposited in the account of the petitioner-accused and thereby a total amount of ₹2,49,000/- was given to him on the promise of sending the complainant to foreign country. Perusal of record shows that money has been stated to be mainly paid in the end of year 2010, but the FIR has been registered on 24.10.2016 i.e. after a period of about six years. However, the petitioner has denied the allegations levelled against him.

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, I find that the petitioner has already joined the investigation; that he is not required for custodial interrogation and there being no explanation for such a long delay in registration of the FIR, therefore, no useful purpose will be served by sending him to custody. Finding merit in the present petition, the same is allowed. The order dated 05.09.2017, 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.

06.11.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

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