

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

**Criminal Misc. No. M-32106 of 2017
Date of Decision:-18.09.2017**

Harman Singh @ Jassi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Manpreet Singh, Advocate
for the petitioner.

Mr. H.S. Grewal, Additional A.G., Punjab.

Mr. Dhirinder Chopra, Advocate
for respondent No.2-complainant.

FATEH DEEP SINGH J.(Oral)

Allegations against the petitioner Harman Singh @ Jassi in this petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.223 dated 16.11.2016 registered at Police Station City South, Moga under Sections 384 and 120-B IPC, are that he along with his co-accused/non-applicant Jasvir Singh @ Jassi alleged to have forcibly at gun point taken away blank signed cheques of the

complainant Bahadur Singh and thereafter got encashed one cheque amounting to Rs.4,00,000/- leading to registration of the present FIR.

Contentions of the learned counsel for the petitioner are that neither the petitioner has any role in the incident nor he is the beneficiary of the cheque in question and that it is pure monetary dispute which is in between co-accused/non-applicant Jasvir Singh @ Jassi and complainant Bahadur Singh.

Though, learned State counsel who is assisted by Mr. Dhirinder Chopra, Advocate learned counsel for the complainant has opposed the grant of bail to the petitioner on the ground of heinousness of the crime and stated that recovery of remaining cheques is yet to be effected.

Appreciating the submissions, apparently the State counsel as well as learned counsel for the complainant could not satisfy the Court that why the concerned bank was not intimated immediately after the alleged occurrence regarding forcibly taking away the blank signed cheques and why the payment was not stopped. Even the State counsel is not able to give the exact date of occurrence by any means, which apparently strengthens the doubt over the genuineness of the allegations. Since nothing is to be recovered from the petitioner and he is not the beneficiary coupled with the fact that co-accused of the petitioner namely Jasvir Singh @ Jassi has already been released on bail by the trial Court, the petition stands allowed. In the event of arrest of the petitioner, he be admitted to

bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

September 18, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No