

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

CRM-M No. 38253 of 2017

DATE OF DECISION :- December 12, 2017

Hushiar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

This petition for pre arrest bail has been filed by Hushiar Singh, an accused in F.I.R. No. 88 dated 10.9.2017 for offence under Sections 420, 34 of the Indian Penal Code registered with Police Station Cantt. Bathinda.

Briefly stated the facts of the case as per prosecution version are that accused Hushiar Singh Aulakh and Gurpreet Singh Dhaliwal representing themselves to be Directors of PHRB Farming Solutions Private Limited approached the complainant Surinder Kaur, a widow lady giving her allurements that the money deposited by her with them would become double in two months. The complainant deposited ₹3 lacs with them, who gave some cheques in different amounts. However, on presentation, the cheques were dishonoured for the reason that the account of the accused was closed.

Apprehending his arrest in this case, the accused had

approached the Court of Sessions for grant of pre arrest bail, however, such petition was dismissed by Additional Sessions Judge, Bathinda vide order dated 25.09.2017. He has approached this Court seeking similar relief. Notice of that application was given to the State.

The petitioner was granted interim bail directing him to join the investigation. As stated by learned State counsel, the petitioner has joined the investigation and has furnished an affidavit that he is not having Passport.

Learned State counsel submits that however recovery of ₹3 lacs is to be effected from him and he is not disclosing the names of the other persons concerned with PHRB Farming Solutions Private Limited .

Learned counsel for the petitioner on the other hand contends that complainant is very much aware of the names of the other persons connected with PHRB Farming Solution Private Limited, inasmuch she has filed a complaint under Section 138 of the Negotiable Instruments Act against M/s PHRB Farming Solutions Private Limited, Bathinda against Hushiar Singh Aulakh, Director, Rohit Kumar, Director, Baljit Singh, Director and Gurpreet Singh Dhaliwal and basically it is a case of cheque bouncing and F.I.R. has been registered as a pressure tactic. He has placed on file copy of complaint filed under Section 138 of the Negotiable Instruments Act.

After hearing the rival contentions, I find that since the petitioner has joined the investigation and complainant has filed a complaint under Section 138 of the Negotiable Instruments Act, custodial interrogation is not found to be necessary. Therefore, interim bail granted to

the petitioner vide order dated 30.10.2017 is made absolute subject to his fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

December 12, 2017
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No