

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-44202 of 2016

.....

Date of decision:30.1.2017

Rajan Kumar

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Ms. Rashi Gosain, Advocate for the petitioner.

Mr. K.S. Aulakh, Assistant Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0057 dated 27.4.2016 registered for the offences under Sections 406 and 420 IPC at Police Station City Nawanshahar, District S.B.S. Nagar (Nawanshahar).

Notice of motion has been issued in this case.

Mr. K.S. Aulakh, learned Assistant Advocate General, Punjab 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 Assistant Advocate General, Punjab, appearing for the respondent-State and have gone through the record.

From the record, I find that the petitioner has already joined the investigation. He is not required for custodial interrogation. It is also

brought to the notice of this Court that the co-accused Manoj Kumar had already compromised with the complainant and has paid money to him. It is also brought to the notice of this Court by the learned counsel for the petitioner that before filing the FIR, the petitioner had already filed a civil suit qua the dispute against the complainant to settle the accounts with the plaintiff and to pay damages to the plaintiff and this civil suit has been filed about five months earlier to the registration of the FIR. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 9.12.2016 passed by this Court 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.

January 30, 2017.

(Inderjit Singh)
Judge

hsp

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