

CRM-M-46727 of 2016**Date of decision: 09.02.2017****Minhaj Ali Umatia**

... Petitioner

VS.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Salil Bali, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J.(ORAL)

On December 28, 2016, this Court passed the following order:-

“Inter alia submits that as per the registered agreement of lease dated 05.10.2015 (Annexure P-3), the complainant and Mr. Malik Kashiff Khan through his authorized signatory Mr. Salim D Jalali had entered into the agreement, whereby the terms of the lease etc. were specified. The petitioner is only an employee of M/s F Hospitality India (Mumbai).

It is further submitted that there was a dispute inter se the abovesaid parties regarding the lay out plan which had to be as per the specifications, which led to the non-payment of the lease money. The amounts were paid to the company by the cheque and, therefore, the petitioner has been wrongly roped in. It is, accordingly, submitted that while denying the benefit of anticipatory bail, the Additional Sessions Judge, has failed to keep these facts in mind.

On the asking of the counsel for the petitioner Mr. Amit Goyal son of late Shri K.L. Goyal resident of 11A Model Town, Patiala-complainant is impleaded as respondent No.2.

Office to make necessary addition in the memo of parties.

On the asking of the Court, Mr. K.S. Pannu, DAG, Punjab accepts notice on behalf of respondent No.1-State. Copy of the paper-book has been supplied.

To come up on 09.02.2017 for service of respondent No.2.

In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail by the investigating officer and shall comply with the conditions laid down in Section 438 (2) Cr.P.C”.

A perusal of the afore quoted order shows that after noting the submissions of learned counsel for the petitioner, this Court ordered the impleadment of complainant-respondent No.2 as a party and adjourned the case for today for service of the newly added respondent No.2. So far as, respondent No.1-State is concerned, on the asking of the Court, notice was accepted in Court by Mr. K. S Pannu, DAG, Punjab.

Respondent No.2 has been served through his wife. However, there is no appearance on his behalf.

Learned State counsel submits that in pursuance to the interim order passed by this Court, the petitioner has joined investigation and at this stage, he is not required for further questioning.

In view of the above stand taken by the State, the interim order dated 28.12.2016 is hereby made absolute.

February 09, 2017
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(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No