

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6672 of 2017 (O&M)

Date of Decision: 17.05.2017

Pawan Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yogesh Goel, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Ms. Deepshikha Chauhan, Advocate
for respondent no. 2-complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 15 dated 26.01.2017 registered for offences punishable under Sections 406 and 420 of Indian Penal Code (for short 'IPC'), at Police Station City Phagwara, District Kapurthala.

Heard.

The dispute in this case relates to withdrawals made by petitioner from the account of complainant during the period 24.11.1992 to 2005. Besides other explanations, petitioner has come up with a family settlement dated 25.09.2008, wherein as per term no. 5, dispute pertaining to account of complainant was also settled.

Learned counsel appearing for respondent no. 2-complainant submits that this family settlement bear signatures of complainant but he was not aware of contents as he is not conversant with Punjabi language and

Gurmukhi script.

The settlement is signed by so many persons including witnesses and the plea raised by petitioner is to be seen by the investigating officer during investigation.

In view of above but without expressing any opinion on the merits of the case, this petition is allowed and order dated 10.03.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

May 17, 2017

jk

(SURINDER GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No