

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

**Crl. Misc. No. M-1058 of 2018 (O&M)
Date of Decision: 11.07.2018**

Gurcharan Singh	Petitioner
Vs.	
State of Punjab	Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.188 dated 29.11.2017 registered under Sections 406, 420, 34 IPC at Police Station Mukerian, District Hoshiarpur, Punjab.

It is contended by counsel for the petitioner that, the FIR got lodged by the complainant is only an afterthought to implicate the petitioner as an easy pray for getting the recovery of the money effected since the petitioner is known to the complainant. It is further contended by counsel that, in fact, regarding this very transaction, the complainant had already filed a criminal complaint against one Manohar Lal under Section 138 of Negotiable Instruments Act (for short, 'the NI Act') alleging that he had taken this amount of Rs.2 lakhs and to assure the complainant regarding providing of the job, the cheque was given by that Manohar Lal to the complainant. The factum of filing complaint under Section 138 of NI Act by the complainant is not even mentioned in the FIR. This shows that the complainant has distorted the version regarding the incident.

Learned counsel for the State, being instructed by ASI Balbir Singh, submits that the petitioner has even returned an amount of Rs.1,25,000/-; which would show the complicity of the petitioner in the crime.

In view of the above submissions made by counsel for the petitioner but without commenting upon merits of case, the present petition is allowed and the interim order dated 23.01.2018 is made absolute.

July 11, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No