

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

**Criminal Misc. No. M-12321-2018
Date of Decision: 09.07.2018**

Gurmail Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sherry K. Singla, Advocate for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.

...

Inderjit Singh, J.

Petitioner-Gurmail Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.15 dated 09.03.2018, registered at Police Station City-I, Malerkotla, District Sangrur, under Section 406 of Indian Penal Code.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner argues that the present petitioner is the Ex-President of the Truck Operators Union. He submits that the false complaint has been filed by the present President of the Truck Operators Union due to the change of the political regime in the State. He has joined the investigation and has explained the expenditure of Rs. 7 lacs withdrawn by him from the account when he was the President of the Truck Operators Union.

Learned State counsel states that he has shown some receipts to explain this expenditure. The petitioner has already deposit Rs.3.5 lacs as per the order of this Court with the Registrar of this Court which would be subject to the outcome of the investigation, as earlier ordered.

Moreover, in pursuance of the interim order dated 23.03.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation, therefore, no useful purpose would be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 23.03.2018, 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.

09.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No