

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

CRM-M-15965 of 2018
Date of Decision:21.05.2018

Ashok Kumar Bansal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.106 dated 05.04.2018 registered under Sections 306 of the Indian Penal Code at Police Station Phillaur, Distrcit Jalandhar (Rural).

On 21.04.2018, this Court has passed the following order:-

“It is contended by learned Counsel for the petitioner that the allegations against the petitioner are that the deceased has borrowed an amount of Rs.50,000/- from

the petitioner and he demanded the same but on account of the persisted demand, he committed suicide. It is further contended that for return of Rs.50,000/-, the deceased had issued a cheque No.814881 dated 02.11.2017 for an amount of Rs.50,000/- but the same was dishonoured and that led to the filing of the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short 'Act') on 05.01.2018. Consequently, the learned trial Court issued summons but he did not appear and ultimately, non-bailable warrants to secure the presence of the deceased were issued for 07.05.2018 and thus, fearing the legal proceedings, he hanged himself on 04.04.2018.. Thus, the petitioner cannot be blamed for pursuing the legal remedies under Section 138 of the Act.

Learned Counsel for the petitioner seeks time to apprise the Court as to what is the fate of the complaint under Section 138 of the Act.

On his request, adjourned to **21.05.2018**.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

It is contended by learned counsel for the petitioner that in terms of the order dated 21.04.2018, the petitioner has joined investigation and his custodial interrogation is no longer required.

The above factual position is duly acknowledged by learned State counsel and stated that the custodial interrogation of the petitioner is no longer required.

In view of the above, the order dated 21.04.2018 is made
absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

[MAHABIR SINGH SINDHU]
JUDGE

May 21, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no