

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16128 of 2017
Date of Decision: 09.08.2018

Anil Kumar Sharma

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Gaurav Chopra, Advocate
for the 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.45 dated 27.03.2017 registered for offences punishable under Sections 420/465/467/468/471/120-B of Indian Penal Code, at Police Station City Phagwara, District Kapurthala.

Heard.

As per allegations in the FIR, complainant had given blank cheques bearing no. 316890 of ₹20 lakhs, 316896 of ₹5 lakhs and three other blank cheques of ₹15 lakhs to petitioner-Anil Kumar Sharma and Gulzar Singh, petitioner in connected CRM-M-31711-2017. Without taking complainant in confidence, petitioner-Anil Kumar Sharma filled his name in the cheque of ₹20 lakhs and got it encashed.

Perusal of second agreement shows that cheque no. 316890 was

considered towards payment of sale consideration.

Learned counsel for the petitioner submits that in fact blank cheque of ₹20 lakhs was bearing no. 316893 and was wrongly mentioned as 816890 in the FIR. On 11.06.2016, the petitioner had also given in writing that he has paid ₹5 lakhs and will pay remaining amount of ₹15 lakhs, which he has not paid till date.

Learned State counsel submits that the petitioner has joined the investigation.

Keeping in view the fact that petitioner has joined the investigation and entire case is based on documentary evidence, but without expressing any opinion on the merits of the case, this petition is allowed and order dated 08.05.2017 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.

August 09, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No