

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

210

CRM-M-20822-2018 (O&M)

Date of Decision : 20.07.2018

Raj Kumar Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Nikhil Batta, Advocate for the petitioner.

Mr. Nikhil K.Chopra, AAG, Punjab.

Mr. Sanjeev Manrai, Senior Advocate with
Mr. Ajay Singh Parmar, Advocate for the complainant.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in case FIR No. 76 dated 25.04.2018 (Annexure P-1) u/s 406, 420 IPC registered at Police Station Sadar, Patiala District Patiala.

2. Learned counsel for the petitioner submitted that FIR is in connection with dishonour of cheque issued by Chaman Lal on behalf of M/s Amar Nath Raj Kumar. Even though petitioner is one of the partner of M/s Amar Nath Raj Kumar, at the same time he is not one of the signatory for the dishonour cheque dated 01.11.2017. Therefore, he sought for anticipatory bail and he is prepared to join investigation.

3. Per contra, learned counsel for the complainant submitted that petitioner is one of the partner. He is equally responsible on par with

Chaman Lal. It was also submitted that M/s Amar Nath Raj Kumar were required to issue J Form which is not issued. Consequently, petitioner is also responsible for the purpose of not issuing J Form as well as dishonour of cheque.

4. Heard learned counsel for the parties.

5. Having regard to the fact that cheque issued by Chaman Lal is dishonoured which is the subject matter of litigation. Insofar as issuance of J Form would be examined at the time of investigation. In view of these facts and circumstances, petitioner is entitled for anticipatory bail. Hence petition is allowed.

6. Petitioner is directed to appear before Investigating Officer and to join investigation.

7. In the event of arrest, the petitioner shall be released on interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

20.07.2018

pooja saini

**(P.B. BAJANTHRI)
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No