

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25649-2018

Date of decision: 04.09.2018

Sudarshan Walia

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Gupta, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.84 dated 18.05.2018 under Section 420 IPC, registered at Police Station Navi Baradari, Jalandhar.

While granting interim bail to the petitioner, following order was passed on 12.06.2018: -

“Counsel for the petitioner submits that as per the allegation in the FIR, on 12.04.2017, the complainant, who is real brother's son of the petitioner, had given an amount of Rs.4 lakhs to petitioner for sending him abroad.

Counsel for the petitioner further submit that the relationship between the petitioner and his brother's family are no cordial for last 10 years as there is a civil litigation is pending

between them and has relied upon judgment dated 20.07.2015 passed by Civil Judge (Jr. Division) wherein a suit filed by the petitioner praying for decree of possession by way of partition which was decreed and an appeal is pending between the parties.

Counsel for the petitioner further submits that no details of mode of payment has been given and the FIR has been registered just to put pressure on the petitioner to withdraw the aforesaid civil litigation.

Notice of motion for 04.09.2018.”

Learned counsel for the petitioner submits that in pursuance of the order dated 12.06.2018, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Kewal Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 12.06.2018 passed by this Court is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

04.09.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No