

208.

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

CRM-M-29712-2018

Date of decision:14.09.2018.

JAGJIT SINGH @ JEETU

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. B.S. Aulakh, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.45 dated 03.06.2018 registered under Section 420 IPC at Police Station Khuian Sarwar, Distict Fazilka.

Learned counsel for the petitioner has argued that in the whole FIR which was got registered at the behest of complainant-Babbar Dass, there is not even a remote allegation against him and whatever amount the complainant paid, the same has been paid to Gursewak Singh.

At this stage, Mr. Ashok Kumar Sama, Advocate, has put in appearance on behalf of complainant and filed his power of attorney, which is taken on record. He has argued that during investigation, it has come on record that complainant has paid the remaining amount of Rs.50,000/- to Jagjit Singh @ Jeetu, the petitioner.

Learned State counsel, on instructions from ASI Harjinder Singh, states that the amount is yet to be recovered.

I have heard learned counsel for the parties.

Though the anticipatory bail application of the co-accused Gursewak Singh has been dismissed, but in that case, there were allegations against him. Considering the fact that in the FIR which was registered at the behest of complainant himself, there is no recital that he ever gave any money to the petitioner, present petition is allowed and the order dated 18.07.2018 by which the petitioner was granted ad-interim bail, is made absolute.

However, the petitioner shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

14.09.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No