

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

CRM No.M-30762 of 2018 (O&M)

Date of Decision: July 31, 2018

Raj Singh Tomar

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sohan Singh Rana, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Ajay Singla, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.216 dated 15.10.2014 under Sections 406 and 420 IPC, registered at Police Station Phase-I, SAS Nagar, Mohali.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that earlier, petitioner has filed anticipatory bail petition, in which, interim bail was granted to him and he

joined the investigation but later on, learned counsel for the petitioner did not come present and that petition was dismissed for non-prosecution. Now, again the petitioner has filed the present petition for anticipatory bail.

As the earlier petition for anticipatory bail was not dismissed on merits, therefore, I have heard learned counsel for the parties on merits in this petition.

The perusal of the FIR shows that petitioner is not named in the FIR. The main accused, who executed the sale deed was Mandeep Singh, who has already been granted anticipatory bail.

Learned counsel for the complainant argued that there was a deal between Mandeep Singh and petitioner and he has also received money.

Keeping in view the above facts and discussion that main accused has already been released on anticipatory bail and the fact that petitioner is not named in the FIR, I find that no useful purpose will be served by sending the petitioner to custody.

Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, he shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

July 31, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No