

CRM-M-33999-2018

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

CRM-M-33999-2018

Date of Decision:17.09.2018

Kamaljit Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Abhishek Bajaj, Advocate for
Mr. Ajaivir Singh, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Bikramjit Singh Randhawa, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.43 dated 26.05.2018, registered at Police Station Banga City, District Shaheed Bhagat Singh Nagar, under Sections 406 and 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

Complainant has also appeared through his counsel.

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

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As per the allegations in the FIR, dispute between the parties is regarding an amount of ₹3,31,000/-.

Today, learned counsel for the petitioner has handed over demand draft dated 17.09.2018, amounting to ₹3,31,000/-, to learned counsel for the complainant for settling the dispute between the complainant and accused. Photocopy of the demand draft is taken on record.

Learned counsel for the complainant submits that he has no objection, if present petition for anticipatory bail is allowed.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioner is not required for custodial interrogation and no useful purpose will be served by sending him to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioner is directed to join the investigation on 20.09.2018 at 10.00 A.M. and shall abide by the conditions of Section 438 (2) Cr.P.C. If the investigating officer does not join the petitioner in the investigation on the stipulated date, the petitioner will file application before the Illaqa Magistrate informing him about those facts on that very day.

17.09.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No