

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-36991 of 2018

Date of Decision: 12.11.2018

Sunil Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.S. Grewal, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.42 dated 06.06.2018 under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Bahawala, Tehsil Abohar, District Fazilka.

Mr. Deepak Kumar, Advocate has put in appearance on behalf of the complainant and filed his *vakalatnama* in Court, which is taken on record.

Vide order dated 28.08.2018, the petitioner was granted *ad-interim* bail by this Court.

Learned counsel for the petitioner pursuant to order dated 28.08.2018 of this Court, the petitioner has joined investigation.

Learned State counsel, on instructions from ASI Bhupinder Singh, does not dispute that the petitioner has joined investigation. However, he submits that money is yet to be recovered from the petitioner, as he had withdrawn Rs.25,000/- from the account of Banwari Lal before the death of Banwari Lal on 10.09.2015. It is further alleged that after the death of Banwari Lal also, the petitioner again made withdrawal of money.

Learned counsel for the petitioner has argued that Banwari Lal has died due to cancer and the money was withdrawn by him for his treatment. He refers to post mortem report dated 11.09.2015 of deceased Banwari Lal.

Having heard learned counsel for the parties and considering the fact that the petitioner has joined investigation and culpability of the petitioner is yet to be decided during trial, the present petition is allowed and the interim order dated 28.08.2018 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

November 12, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No