

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

**CRM-M-37149-2017
Date of decision: 27.11.2018**

Raj Kumar Chhabra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

None for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 139 dated 18.09.2017, under Sections 406 and 420 of the IPC, registered at Police Station Division-C, District Amritsar City.

The operative part of the order dated 11.10.2017, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that a perusal of the FIR shows that entire dealing between petitioner-accused and complainant was made through one Jatinder Kumar @ Sunny who was working as a broker. Learned counsel for the petitioner refers to the FIR to submits that it is the own case of the complainant that Jatinder Kumar after loading the goods on a truck after receiving from the complainant took the same to the premises of the petitioner and got unloaded there. It is further argued on behalf of the petitioner that part payment of ₹ 3.50 lacs was also made to the complainant through aforesaid Jatinder

Kumar and in the complaint which was submitted to the Commissioner of Police, the complainant requested that action be taken against the commission agent i.e Jatinder Kumar and till date no action has been taken against the aforesaid Jatinder Kumar. It is further submitted that in fact petitioner had made the payment to aforesaid Jatinder Kumar and later he has absconded and is involved in many other cases registered under Section 138 of the Negotiable Instruments Act, 1881. He further submits that petitioner is ready to join investigation and to submit all the relevant documents to the Investigating Officer. On the other hand, learned State counsel, on instructions from ASI Dalwinder Singh as well as learned counsel appearing for complainant have not disputed the fact that amount of ₹ 3.50 lacs was paid by the petitioner to the complainant through the aforesaid broker Jatinder Kumar @ Sunny. In view of above, petitioner is directed to join investigation on 24.10.2017 before the Investigating Officer or any other date fixed by the Investigating Officer and submit all the relevant documents. List on 28.11.2017.”

Learned counsel for the petitioner submits that subsequent thereto, on the asking of the complainant, the petitioner has joined investigation on three occasions.

Learned counsel for the State, on instructions from ASI Taranjit Singh, does not dispute the aforesaid fact, however, submits that recovery of some amount is to be effected.

In reply, learned counsel for the petitioner submits that since it is a disputed fact about the payment, it will be seen during trial.

In view of the above, the petition is allowed and the interim

bail granted to the petitioner, vide order dated 11.10.2017, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 27, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No