

**CRM-M-43563-2018**

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

**CRM-M-43563-2018**

**Date of Decision: 23.10.2018**

Manish Manocha

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Gurcharan Dass, Advocate,  
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Om Pal Sharma, 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.285 dated 15.09.2018, registered at Police Station Division No.8, Ludhiana, under Sections 379, 420 and 506 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

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

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From the record, I find that FIR, in the present case, has been got registered by complainant-Raj Sharma stating therein that he had started selling mobile phones of Samsung company in his shop situated in Ghumar Mandi in the year 2017 and this mobile business was got started from him by the present petitioner-Manish Manocha and all the expenses were borne by him. It is also stated in the FIR that the present petitioner was already doing the work of Samsung mobile phones and his shop was near to the shop of complainant. It is also stated in the FIR that the complainant had handed over keys of his shop to Manish Manocha, present petitioner and in the month of March, 2018, he (complainant) came to know that a number of mobile phones etc. were missing from his shop.

As per the version of FIR, a compromise took place between the parties and two cheques were given to the complainant, which were got dishonoured with the remarks 'account closed'. The present FIR has been got registered after approximately six months of dishonouring of cheques.

In pursuance of the interim order dated 04.10.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

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 merit in this petition and the same is allowed. The order dated 04.10.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the

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conditions of Section 438 (2) Cr.P.C.

**23.10.2018**  
parveen kumar

**(INDERJIT SINGH)**  
**JUDGE**

|              |                           |   |     |
|--------------|---------------------------|---|-----|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes |
|              | Whether reportable        | : | No  |