

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

CRM-M-43050-2017 (O&M)

Date of decision: 29.01.2018

Nipun Jain

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. R.S. Bajaj, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Puneet Sharma, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition seeking concession of anticipatory bail to the petitioner in case FIR No.240, dated 12.11.2016, under Sections 406/420 IPC, registered at Police Station Nakodar, District Jalandhar.

While issuing notice of motion, the following order was passed by this Court on 15.11.2017:

“Heard.

Learned counsel for the petitioner submits that as per the allegations in the FIR, payment of Rs.7.5 lakh was made to Rishabh Jain and the petitioner gave a cheque of Rs.5 lakh towards security. The deal was to send and settle the complainant in Australia. It is improbable that the petitioner will give the cheque to the complainant towards security and he will never use the cheque which was undated and blank.

Notice of motion for 29.01.2018.

In the meanwhile, petitioner is directed to surrender before the police and join investigation within two weeks. In

the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

Learned State counsel upon instructions from ASI Paramjeet Singh apprises the Court that the petitioner has since joined investigation. That apart, during the course of arguments, it has gone uncontroverted that the allegation made by the complainant as regards entrustment of Rs.7.5 lakhs to co-accused Rishabh Jain i.e. the real brother of the present petitioner has been found to be false during the course of an inquiry.

Even counsel representing the complainant concedes that the cheque for an amount of Rs.5 lakhs that had allegedly been given by the present petitioner towards security was never presented for encashment.

In view of the above, custodial interrogation of the petitioner is not warranted.

Petition is allowed. Order dated 15.11.2017 passed by this Court is made absolute.

Disposed of.

29.01.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |