

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53414-2018

Date of Decision: 20.12.2018

Rahul Sharma

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. H.P.S. Ishar, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Zubin Chhura, Advocate for the complainant.

...

Inderjit Singh, J. (Oral)

Petitioner Rahul Sharma has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.158 dated 11.06.2017, registered at Police Station City Kapurthala, District Kapurthala, under Section 420 of Indian Penal Code.

Notice of motion was issued.

Learned State counsel and counsel for the complainant have appeared and contested this petition.

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

From the perusal of the record, I find that the allegation against present petitioner Rahul Sharma is that he was a salesman of Docomo Company and used to visit the complainant. He used to take recharge paper from their office to Wholesale Market Jalandhar and was also collecting money from wholesale shopkeepers and used to deposit the sum with them

on the next day. But after a short while, he started depositing less money in their office and on coming to know they asked the present petitioner to pay the money. He gave two cheques of his bank amounting to ₹13,38,828/-, which were dishonoured. Prima facie the transaction between the parties looks like business transaction.

In pursuance of the interim order dated 04.12.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would 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 04.12.2018, 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 conditions of Section 438 (2) Cr.P.C.

20.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No