

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

**CRM-M No.809 of 2019 (O&M)
Date of Decision: 09.07.2019**

Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. P.S.Khurana, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab for the respondent.

Mr. Shri Kant Rattan, Advocate
for the applicant/proposed respondent No.2.

MAHABIR SINGH SINDHU, J. (Oral)

CRM No.9176 of 2019

Application is for placing on record reply on behalf of the applicant/complainant.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied reply is taken on record.

Registry to tag the same at the appropriate place.

CRM No.9236 of 2019

Application is for impleading the complainant i.e. Bhupinder Singh son of Mangal Singh, resident of H.No.558, Raj Ghat Road, New Abadi, Outside Kasuri Gate, Ferozepur City as party respondent No.2.

Learned Counsel for the non-applicants have no objection if the present application is allowed.

In view of above, present application is allowed and complainant-Bhupinder Singh son of Mangal Singh, resident of H.No.558, Raj Ghat Road, New Abadi, Outside Kasuri Gate, Ferozepur City is ordered to be impleaded as party respondent No.2. Amended memo of parties is taken on record.

Registry to do the needful.

MAIN CASE

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.196 dated 23.09.2018, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City Ferozepur, District Ferozepur.

This Court, while issuing notice of motion on 11.01.2019, passed the following order:-

“ *Heard.*

The learned counsel for petitioner contends that it is a case of taking loan. The money was taken and it is alleged in FIR in question that certain articles were not supplied. Therefore, it is basically a case of civil nature.

Notice of motion.

On behalf of State, Ms. Sunint Kaur, AAG Punjab, accepts notice. Copy of petition be supplied to learned State counsel during course of day. Reply be filed before next date of hearing.

Adjourned to 1.2.2019.

In the meanwhile, petitioner is directed to join investigation and disclose all facts to police. Let police verify same. In the event of his arrest, petitioner will be released on interim bail to the satisfaction of Arresting Officer, subject to compliance of conditions contained in Section 438 (2) Cr.P.C.

Contends that in terms of above order, petitioner has already joined the investigation and his custodial interrogation is no longer required.

 The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kuldeep Singh, but opposed the bail application on the ground that recovery of money is yet to be effected.

 Since the petitioner has already joined the investigation and allegations of the entrustment of the money are to be proved during trial as the case of the petitioner is that this was a loan transaction and the same has already been returned to the complainant, therefore, there is no justification to deny the benefit of pre-arrest bail to the petitioner.

 In view of above, interim order dated 11.01.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

 It is made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

 Disposed off accordingly.

July 09, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>