

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

CRM No.M-1703 of 2019 (O&M)
Date of Decision: March 19, 2019

Rinku Nath

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kunal Dawar, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.228 dated 09.12.2017 under Section 420 IPC and Section 13 of the Prevention of Human Trafficking Act, 2012, registered at Police Station Urban Estate, Patiala.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

As per allegations in the FIR, present petitioner along with other accused has cheated the complainant for ₹42 lakhs on the pretext of sending abroad illegally and done away with the cheque of the complainant in connivance with bank officials.

Learned counsel for the petitioner contended that already a

litigation is going on between the parties. Parkash Singh, father of the

present petitioner filed civil suit against the complainant for permanent injunction restraining defendant No.1 from recovering or cause to recover any amount from the plaintiff forcibly, illegally, with the help of police, in which, learned counsel for the present complainant gave statement on 31.01.2015 that he will not move any application against the plaintiff and shall avail appropriate remedy for recovery through civil Court. Further, it is held that the complainant has filed the suit against the present petitioner and others for recovery of ₹57,12,000/- on the basis of cheque for ₹42 lakhs as principal amount with interest @ 12%.

Further, from the record, it is clear that another FIR was registered by the present complainant on 23.08.2015 under Sections 406 and 420 IPC against father of present petitioner and other co-accused, where grievance is regarding some agreement to purchase.

The petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose will be served by sending and keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 14.02.2019 granting interim bail to the petitioner, is made absolute.

March 19, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No