

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

**CRM-M-2204-2019
Date of decision: 08.04.2019**

Anil Singla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. K. Girdhar, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Manav Bajaj, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.263 dated 20.12.2018 under Section 406 IPC and Section 3 (1) of SC&ST Act, 1989, registered at Police Station Kotwali, Bathinda, District Bathinda.

The operative part of the order dated 18.01.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the allegations in the FIR are that the petitioner had obtained certain blank cheques, stamp papers and also obtained signatures on blank papers and the same have been wrongly used and instead of returning the same, he has abused the complainant in the name of her caste. It is further submitted that in fact, it was a money dispute between the parties and on 20.05.2016, the complainant had obtained an amount of Rs.5.00 lacs as loan from the petitioner and in lieu thereof, she has issued a cheque of Rs.5.00 lacs, which was dishonoured on presentation before the Bank. Learned counsel further submits that the petitioner has filed a complaint under Section 138 of the Negotiable Instruments Act on 20.10.2016, in which the

complainant was summoned on 05.12.2016 and now the aforesaid case is fixed for recording the evidence and in the meantime, the complainant has got the aforesaid FIR registered, in which it is stated that she was called by the petitioner at his residence for effecting some settlement and she had been abused by the petitioner in the name of her caste. Learned counsel has further submitted that the FIR is nothing but a tactic to put pressure on the petitioner to withdraw the aforesaid complaint.
Notice of motion for 08.04.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 18.01.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from HC Gurmail Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

Learned counsel for the complainant has, however, submitted that the money dispute already stands resolved prior to the registration of this FIR.

In reply, learned counsel for the petitioner submitted that a complaint under Section 138 of the N.I. Act has already been filed by the petitioner in which the complainant is facing trial.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 18.01.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

08.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*