

CRM-M No.8128 of 2019

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

**CRM-M No.8128 of 2019
Date of Decision: 02.04.2019**

Pankaj Sharma

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.Parminder Singh, Advocate for the petitioner.
Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre arrest bail to the petitioner in case FIR No.1009 dated 19.07.2018, under Sections 406,420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station City Panipat.

While issuing notice of motion, this court passed the following order on 22.02.2019:-

“Prayer is for grant of anticipatory bail in FIR No.1009 dated 19.7.2018 under Sections 406,420,120-B IPC registered at P.S City Panipat. The FIR has been lodged on the complaint of one Bansilal with the allegations that he had taken a loan through Himanshu @ Monu from Tulletrn India Company but as he was charged higher rate of interest, he returned the loan amount through a cheque of Rs.4,53,259/- to Himanshu. Himanshu instead of filling the name of the Company over the Cheque wrote the name of Pankaj Sharma (petitioner). Accordingly, rather than depositing the cheque in the account of the Company, it was

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deposited in the account of Pankaj Sharma. The cheque amount was subsequently withdrawn. It was thereby alleged that Himanshu @ Monu and the present petitioner have defrauded the complainant.

Learned counsel for the petitioner contends that the petitioner is an employee of said Himanshu @ Monu and that he merely deposited the cheque in his account. The amount was withdrawn by Himanshu @ Monu by using the ATM provided by the petitioner. The complainant, if at all, has been defrauded, it is only by Himanshu @ Monu.

Notice of motion for 02.4.2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State Counsel, on instructions from SI Umar Mohd. has acknowledged that in terms of the previous order the petitioner has joined the investigation and his custodial interrogation is no longer required in this case.

In view of above, the interim order dated 22.02.2019 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

02.04.2019

mamta

*Whether speaking/reasoned
Whether Reportable*

(MAHABIR SINGH SINDHU)
JUDGE

*Yes/No
Yes/No*