

CRM-M-11906-2017

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

CRM-M-11906-2017

Date of Decision: 29.04.2019

Vijay Setia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Isha Goyal, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Kanwaljit Singh, Sr. Advocate with
Ms. Prabhjot Kaur, Advocate,
for respondent No.2.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.16 dated 23.02.2017, registered at Police Station Sadar Abohar, District Fazilka, under Section 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

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Perusal of record shows that the FIR was got registered by complainant-Ravi Setia, brother of the present petitioner. As per the allegations, father of the complainant as well as petitioner executed an agreement to sell in favour of the complainant regarding which a case was pending. As per the allegations, in connection to the disposal of the said case, present petitioner-Vijay Setia paid the cost of the land to the tune of Rs.2,82,00,000/- by way of cheque for withdrawing the case and the petitioner obtained signatures of the complainant upon the affidavit and application. When the cheque was presented, it was dishonoured.

Learned counsel for the petitioner argued that cheque in question is not of the account of the present petitioner and is a forged one. She argued that as per Annexure P-8, the cheque book containing cheque in question was issued in favour of Jagdamba Charitable Eyes Hospital and the same does not belong to the present petitioner.

In pursuance of the interim order dated 06.04.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will 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 06.04.2017, 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

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conditions of Section 438 (2) Cr.P.C.

29.04.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No