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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9544-2019

Date of decision-31.05.2019

Bhupinder Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Madan Lal Saini, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
ASI Krishan Lal.

Mr. Parveen Gupta, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.133 dated 05.07.2018 under Sections 420 and 120-B of Indian Penal Code registered at Police Station City Ropar, District Rupnagar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.03.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

*“Adjourned to 31.05.2019
Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The*

petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that on compassionate ground, the petitioner was employed with Milkfed, Rupnagar in the year 1999 as dairy helper at Industrial Area, Phase-I, Chandigarh. It is contended that no particulars of the alleged payment is mentioned in the FIR. According to him, there is no receipt to suggest that actually payment was made in cash to the petitioner. It is further pointed out that pursuant to the order dated 29.03.2019, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned counsel appearing on behalf of the complainant opposes the prayer of the petitioner and contends that complainant had given his money to the petitioner, however, he is unable to produce any receipt etc to show the payments as majority of the payments were given in cash.

Learned State counsel who is assisted by ASI Krishan Lal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Krishan Lal further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.03.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing

of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

31.05.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No