

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-10563 of 2019

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Date of decision:27.03.2019

Sukhwinder Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Manjit Singh Uppal, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

Mr. P.K.S. Phoolka, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.12 dated 14.2.2019 registered for the offences under Sections 420 and 406 IPC at Police Station Bhikhi, District Mansa.

Notice of motion has been issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. P.K.S. Phoolka, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and learned State counsel appearing for the respondent-State and have gone through the record.

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As per the prosecution version, the complainant used to sell the crop to the firm and as per the allegations, the present petitioner has not paid the total amount of the crop and has committed fraud upon him.

Learned counsel for the petitioner argued that the crop was sold to M/s Baba Trading Company (hereinafter referred to as 'the firm') and the present petitioner is neither owner nor partner of the said firm.

Learned counsel for the complainant argued that the present petitioner is the brother of the owner of the firm.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 8.3.2019 passed by this Court 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 conditions of Section 438 (2) Cr.P.C.

March 27, 2019.

(Inderjit Singh)
Judge

hsp

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