

CRM-M-23329-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-23329-2018

Date of Decision : 9.4.2019

Randhir Jain

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Sidharth Sehgal, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.105 dated 5.4.2018 registered under Sections 380, 420, 465, 467, 468 and 471 IPC, 1860 registered at Police Station Daresi, District Ludhiana, Punjab.

On 9.5.2018, the following order was passed :-

“Mr.Ghai, learned Senior Counsel appearing for the petitioner, submits that the complainant and the petitioner are brothers and that even as regards the cheques alleged to be forged, only 3 cheques were actually presented and cash realised, which was transferred to the parents of the parties.

He points to that part of the FIR where it is shown that 3 cheques, approximately worth a total of Rs.10,00,000/- were actually encashed.

Learned Senior Counsel further submits that the petitioner is willing to deposit the amount of the cheques in the account of the complainant, Rajesh Jain.

Notice of motion, returnable on 13.6.2018.

In the aforesaid circumstances, with the petitioner and the complainant stated to be the brothers, upon the petitioner depositing an amount of Rs.9,97,000/- in the account of the complainant, Rajesh Jain, along with interest @ 6% per annum, running from the date of the withdrawal of the amount till the date of deposit, upon him joining investigation and complying with all conditions stipulated in Section 438 (2), Cr.P.C., if he is sought to be arrested, he would be admitted on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

It is made clear that bail shall only be granted upon proof of deposit of the aforesaid amount in the account of the complainant.

On 13.6.2018, the following order was passed :-

“Counsel for the petitioner states that in compliance with the order passed by this Court on 29.05.2018, petitioner has deposited the amount due, which fact is not disputed by the counsel for the State, on instructions from ASI Vinod Kumar, Police Station Division No.4, Ludhiana, as well as the counsel for the complainant, however, he points out that these are relatable to only three cheques. There are other cheques also, qua which the investigation is still in progress.

Let the petitioner continue joining investigation as to when called upon to do so.

*List on **05.09.2018.**”*

On 26.10.2018 the following order was passed :-

“Learned senior counsel for the petitioner submits that on receipt of report of the FSL and finding that the signatures of the petitioner are there on the cheques, he is ready to pay the amount of the cheques in dispute to the complainant.

Learned counsel for the complainant is agreeing with the proposal.

Learned State counsel submits that total nine cheques are there. The FSL report has not been received so far and it will take approximately one month.

Adjourned to 17.12.2018.

Interim order to continue.”

Today learned DAG on instructions from ASI Janak Raj has informed the Court that FSL report has come and though it has mentioned that the disputed signatures are not of the complainant but whether the petitioner has signed those cheques were also not definitely concluded.

In the circumstances, keeping in view the entire conspectus of facts, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Petition is allowed. Interim order dated 29.5.2018 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

9.4.2019
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No