In the High Court of Punjab and Haryana at Chandigarh

216-4

CRM-M-14341-2019 (O & M)
Date of Decision: September 25, 2019

MADAN LAL .....**PETITIONER**

VERSUS

STATE OF PUNJAB ....**RESPONDENT**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Naveen Batra, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Mr. Arun Takhi, Advocate for the complainant.

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ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.58 dated 17.06.2018 under Sections 406 and 420 of the Indian Penal Code registered at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner contends that the allegations in the FIR are that the petitioner along with others had taken a sum of ₹22,00,000/- from the complainant for sending him abroad. Learned counsel further contends that the cheque through which the money was allegedly paid to the petitioner was not an account payee cheque but was a self cheque. The petitioner and the complainant were in the business of money lending. They had differences therein. The petitioner is running a readymade garments shop and there was no occasion for the complainant to be assured by any promise that the petitioner would facilitate him to go abroad. He further contends that

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the petitioner has been falsely implicated in the present case. He also contends that the complainant is a Municipal Councillor and it would be unbelievable that he would be paying money to a shopkeeper to send him abroad.

This Court, by the order dated 04.04.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Ram Lal, states that although the petitioner has joined investigation but the money is yet to be recovered.

In view of the submissions of learned counsel for the petitioner and the petitioner having joined investigation, the order dated 04.04.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

It is made clear that any observation made herein shall not have any bearing whatsoever on the merits of the controversy.

(ANUPINDER SINGH GREWAL)
JUDGE

September 25, 2019
A.Kaundal

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

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