

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-47381-2018 (O&M)

Date of decision: 19.07.2019

Jagdish Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rishabh, Advocate, for
Mr. G.C. Dhuriwala, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. L.S. Mann, Advocate
for the complainant.

ANIL KSHETARPAL, J. (ORAL)

This Court has heard learned counsel for the parties at length.

On 26.10.2018, the following order was passed:-

“Learned counsel for the petitioner submits that initially the petitioner had agreed to purchase the land in dispute and a sum of Rs.26.25 lacs was paid to the complainant. Thereafter, further sum of Rs.7.65 lacs was paid to the Bank with which the land was mortgaged. The complainant gave cheque of the same amount to the petitioner to return the money paid on his behalf but the said cheque was dishonoured resulting in complaint under section 138 of the Negotiable Instruments Act, 1881. The present FIR is a counter-blast to the said complaint. Two sale deeds were executed in favour of Surinder Kaur in the month of April 2018 and as per the understanding between the parties, the consideration was to be paid to the petitioner because the complainant had already received a sum of Rs.26.25 lacs against

the sale of land. Thus, no fraud has been committed. The timeline also indicates that the present FIR is a counter blast. Had the complainant actually been aggrieved by issuance of cheques in favour of the petitioner, he would have approached the Police authorities immediately and would not have waited for a period of five year.

Notice of motion for 09.01.2019.

The petitioner is directed to join the investigation on 02.11.2018 at 10:00 A.M. and cooperate therewith. In the event of his arrest, he shall be released on interim bail on his furnishing bail and surety bonds to the satisfaction of the A.O./I.O./SHO concerned subject to his compliance of provisions enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Puran Singh, has submitted that the petitioner has already joined the investigation and he is not required for further custodial interrogation.

Although, learned counsel for the first informant (complainant) has seriously contested this petition, however, at this stage, request for bail is being considered. Merits of the case shall be examined by the Court at the stage of the trial.

In view thereof, interim order dated 26.10.2018 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

(ANIL KSHETARPAL)
JUDGE

19.07.2019
D.Bansal

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No