

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-52429-2018
Date of decision-13.11.2019**

Sandeep

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Vikrant Duggal, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.229 dated 31.08.2018 under Sections 406, 420 and 120-B of Indian Penal Code, 1860 registered at Police Station Division No.8, District Jalandhar. 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 10.12.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“It is alleged that the complainant and present petitioner are partners in a firm namely M.M. Publishers and Distributors. As per the allegations in the FIR, petitioner along with his wife-Reetu, opened account and transferred a sum of Rs.27,65,714/- in the cash credit account No.1488665100000046.

Counsel for the complainant has produced the photocopy of the information sought under Right to Information Act, 2005 (RTI Act), in which the bank had stated that complainant can do nothing with the said account No.1488665100000046 which is personal account of the present petitioner.

In the circumstances, petitioner is directed to join investigation. In the event of his arrest, he will be released on interim bail to the satisfaction of the Arresting Officer, subject to the condition contained under Section 438(2) Cr.P.C.

Police is directed to verify the version and cross-version and report whether any cheating/misappropriation was done or not. Let the police also enquire from the complainant and submit the report on the next date of hearing. List on 24.01.2019.”

Learned counsel for the petitioner further contends that in deference to the said order, 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 for the complainant has opposed the prayer on the ground that the petitioner has betrayed the trust of the complainant and misappropriated a sum of Rs.27,65,714/- and misused the cheque given by the complainant. However, he does not dispute this fact that the alleged transaction of the amount took place in the year 2015 and the suit between the parties for rendition of account is also pending.

At this stage, learned counsel for the petitioner submits that it is also not disputed that the complainant and petitioner are the partners in the firm and the custodial interrogation of the petitioner may not be required as the allegations levelled in the FIR at a belated stage would be covered by the

decision of the civil suit.

Learned State counsel who is assisted by ASI Balkaran Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Balkaran Singh 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 10.12.2018 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.11.2019

vanita

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