

CRM-M-54084-2018

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

CRM-M-54084-2018

Date of Decision: 02.04.2019

Harjashanpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Parminder Singh Rai, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. D.S.Pheruman, Advocate,
for complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.167 dated 02.11.2018, registered at Police Station Kamboj, District Amritsar, under Section 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

As per the prosecution version, the present petitioner entered

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into an agreement to sell with the complainant for the land measuring 179.80 square yards comprised in khasra No.2//20 min. and the sale deed was to be executed on 23.08.2017. As per the prosecution version, the petitioner was not the owner of total area and even his father had already sold the share.

Learned counsel for the complainant argued that a compromise was also effected between the parties and the petitioner also gave a cheque, which has been dishonoured. In the proceedings under Section 138 of the N.I.Act, the petitioner has been declared as proclaimed offender.

In pursuance of the interim order dated 07.12.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The case is based on documentary evidence. Nothing is to be recovered from the petitioner. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 07.12.2018, 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.

02.04.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

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