

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-27198 of 2019

Date of Decision: July 09, 2019

Daler Singh Nambardar

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Brar, Advocate
for the petitioner(s).

Mr. Ramdeep Partap Singh, DAG, Punjab
assisted by ASI Tirath Ram.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner-Daler Singh Nambardar under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.16 dated 13.02.2019 under Sections 406, 420 IPC registered at Police Station Mehatpur, District Jalandhar Rural. The petitioner apprehended his arrest at the hands of Police.

Complainant got the above FIR registered, wherein it was alleged that in January 2016, a sum of Rs.5 lacs was paid to the petitioner (*Nambardar* of the village), who had promised to procure job for his niece, namely, Satwant Kaur. The amount was paid in parts on 10.02.2016 and thereafter on 15.08.2016. It was narrated that neither the promised job was procured nor the amount upon demand was returned by the accused.

It is pointed out that in fact the complainant had dispute with one Kashmir Singh and the petitioner being *Nambardar* acted as middleman and gave a cheque of Rs.2.5 lacs to the complainant on 15.10.2018. It is further pointed out that the said cheque upon presentation was dishonoured.

Learned counsel contends that had the allegations been true, there was no occasion for the petitioner to issue a cheque for a sum of Rs.2.5 lacs on 15.10.2018, which was accepted by the complainant.

The prayer is opposed by learned State counsel, who is assisted by ASI Tirath Ram. However, it is not disputed that the alleged transaction of payment of money took place in the year 2016 whereas, FIR was got registered on 13.02.2019.

Considering the above, particularly the nature of the allegation, this Court is of the opinion that in the given facts of the case, the custodial interrogation of the petitioner may not be necessary, therefore, it is ordered that in the event of arrest of the petitioner-Daler Singh Nambardar by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition is allowed.

July 09, 2019
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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No