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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34506-2019
Date of decision-13.12.2019

Ranjit Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunwar Rajan, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. A.S.Khosa, 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.0109 dated 01.08.2019 under Section 420 of Indian Penal Code, 1860 registered at Police Station Gidderbaha, District Sri Muktsar Sahib. 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 26.08.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the complainant had allegedly advanced a loan to the petitioner which was returned through a cheque

belonging to the account of the petitioner. However, the said cheque dishonoured and the complaint under Section 138 of Negotiable Instruments Act, 1881 is pending. It is pointed out that the FIR itself contains the sole allegations of dishonour of the cheque to add the offence of cheating punishable under Section 420 IPC. According to him, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 13.12.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 State counsel who is assisted by SI Veera Singh does not dispute this fact that the petitioner has joined the investigation. However, he submits that his custody is required for recovery of the alleged amount from him.

After hearing learned counsel for the parties, this Court does not

find any reason for custodial interrogation of the accused as the proceedings are penal in nature. Considering the allegations in the FIR and the fact that the complaint under Section 138 Negotiable Instruments Act, 1881 is already pending, this Court does not find it to be a fit case for granting the custody of the petitioner to the Police for interrogation.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 26.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.12.2019

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