

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

**CRM-M-34315-2018  
Date of decision-02.07.2019**

**Satpal @ Bawa and another**

**...Petitioners**

**Vs.**

**State of Punjab**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kartik Gupta, Advocate for the petitioners.  
Ms. Sudeepti Sharma, Addl.AG, Punjab assisted by  
ASI Chatwinder Singh.

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**MANOJ BAJAJ, J.**

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.61 dated 11.05.2018 under Sections 406 and 420 of Indian Penal Code registered at Police Station Chabbewal, District Hoshiarpur. The petitioners apprehend their arrest at the hands of Police.

As per the allegations in the FIR, it was alleged by complainant-Darshan Singh that he being an agriculturist was cheated by Satpal @ Baba son of Gulzar Chand and his son, namely, Roop Lal who are working as financers and traders at Jallowal Khanoor and they have installed a weighing machine in the ground. According to the complainant, in the year 2017, petitioners purchased his potato crops and agreed to pay the amount at a later date. The two transactions were for a sum of Rs.1,68,500/- and Rs.1,83,270/- respectively. Besides, details of other persons were also given who had also sold their crops to the accused,

Learned counsel for the petitioners contends that admittedly

there is no receipt and the petitioners were granted the concession of interim bail by this Court vide order dated 10.08.2018 and pursuant to that they have joined the investigation. This fact is not disputed by learned State counsel who is assisted by ASI Chatwinder Singh, but has opposed the prayer on the ground that the amount involved in the crime is approximately Rs.36,00,000/-.

At this stage, learned counsel for the petitioners contends that Darshan Singh has given names of various other persons, whereas the claim of the complainant in the FIR is approximately above Rs.3 lacs. Even otherwise, learned counsel for the petitioners further points out that the alleged transactions took place in November, 2017 whereas the FIR has been got registered after a long delay in May, 2018.

Learned State counsel has failed to justify the reason for custody of the petitioners much less for interrogation particularly when the FIR only pertains to the penal action and not for recovery of the alleged amount.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 10.08.2018 is made absolute. 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 stands allowed.

**(MANOJ BAJAJ)**  
**JUDGE**

**02.07.2019**

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Whether speaking/reasoned :  
Whether Reportable :

|     |    |
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| Yes | No |
| Yes | No |