

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

CRM-M-13840-2019 (O&M)

Date of decision: 11.02.2020

Harinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Bedi, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Arun Bansal, Advocate &
Mr. A. S. Mann, Advocate
for respondent No. 2/complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-32557-2019

Allowed as prayed for.

Documents are taken on record as Annexure A-1 to Annexure
A-5.

CRM-33779-2019

Allowed as prayed for.

Applicant is impleaded as respondent No. 2/complainant to the
present petition.

Amended memo of parties is also taken on record. Office to tag
the same at the appropriate place in the file.

CRM-M-13840-2019

The petitioner prays for grant of anticipatory bail in FIR
No.0050 dated 22.02.2019 registered under Sections 420, 467, 468, 471,

406 IPC at Police Station City Khanna, District Ludhiana.

The operative part of the order dated 27.03.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has submitted that as per the allegations in the FIR, the complainant had paid an amount of Rs.21 lacs for the supply of a machine. It is further submitted that the amount was transferred to the firm in Turkey, however, the machine could not be delivered and therefore, the petitioner returned the amount of Rs.10.25 lacs by way of bank transfer, Rs.1 lac by way of mobile transfer and Rs.2 lacs in cash, against a receipt to the complainant and he is still ready to pay the remaining amount in order to settle the dispute.

Notice of motion for 25.04.2019.”

Thereafter, on 09.07.2019, the following order was passed:

“....On 25.04.2019, the petitioner was directed to rejoin the investigation and on 16.05.2019, the Investigating Officer has raised an objection that two cheques, as noticed in the aforesaid order, were dishonoured.

Learned State counsel submits that these cheques were given prior to registration of the FIR and in this regard, a complaint under Section 138 of Negotiable Instruments Act is pending at New Delhi. Learned State counsel, on instructions from ASI Suraj Deep, has however submitted that though the petitioner has joined the investigation, but the aforesaid cheques dated 16.09.2018 and 29.10.2018 i.e. prior to registration to registration of the FIR, were dishonoured and the amount was not paid by the petitioner.

Learned counsel for the petitioner seeks some more time to get instructions about the payment of some more amount.

List again on 16.09.2019.

Interim order to continue.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the aforesaid directions, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner further submits that the petitioner has paid a total amount of Rs. 16.2 Lakh, whereas learned counsel

for respondent No.2/complainant disputes the said figure and submits that an amount of Rs. 15.12 Lakh along with interest is pending since September, 2018 and in pursuance to the subsequent compromise arrived at between the parties, the cheque issued by the petitioner was dishonoured.

In reply, learned counsel for the petitioner submits that though the petitioner has an intention to make the payment, a complaint under the N.I. Act is pending at Delhi, in which the petitioner has already appeared before the Court.

Learned counsel for the State, on instructions from ASI Suraj Din, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, considering the fact that substantive portion of the amount has already been paid by the petitioner during the pendency of this petition, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 27.03.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

11.02.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No