

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

209

**CRM-M-18018-2019
Date of decision : 06.02.2020**

Kishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.S. Gagrha, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for the respondent-State.

Mr. Vibhav Narang, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No.50 dated 31.03.2019 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Majitha Road, District Police Commissionerate, Amritsar.

The above-said FIR was registered on statement of complainant-Sukhwinder Kaur who alleged that her husband had borrowed Rs.70,000/- from the petitioner. The petitioner had taken a blank cheque and ATM card from him and used to withdraw amount from his account. The petitioner had already withdrawn the money which he had lent to deceased-Monu Singh but even thereafter he did not return the ATM and cheque to Monu Singh. When Monu Singh discontinued his old ATM card, the petitioner threatened him that if he does not give him new blank cheque and ATM card then he would get him dismissed from his service. Thereafter, Monu Singh committed suicide.

While issuing notice of motion on 30.04.2019, the Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State Counsel has acknowledged that in compliance with order dated 30.04.2019 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 30.04.2019 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 enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

06.02.2020

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(ARUN KUMAR TYAGI)
JUDGE

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