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IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH.

CRM-M-18638-2020
Date of order: 26.08.2020

VIJAY KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Chopra, Advocate for the petitioner.
Mr. Shailender Sharma, Advocate for complainant.
Mr. H.S. Sitta, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail to petitioner, in case FIR No.0024 dated 24.01.2020 under Sections 406 and 420 of IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

On 14.07.2020, while issuing notice of motion, this Court passed the following order:-

“Inter-alia contends that complainant has already taken recourse to the remedy under Section 138 of the Negotiable Instruments Act, 1882, regarding the amount in question.

Notice of motion for 26.08.2020.

Mr. J.P. Ratra, DAG, Punjab accepts notice on behalf of the respondent.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by

all the conditions as envisaged under Section 438(2) Cr.P.C.”

Contentends that in terms of above order, petitioner has already joined investigation.

Learned State counsel, on instructions from ASI Avtar Singh has acknowledged the above factual position and stated that the petitioner has joined investigation and nothing incriminating has been recovered, therefore, his custodial interrogation is not required.

In view of the above, petition is allowed. Order dated 14.07.2020 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr.P.C.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

26 August, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

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