

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

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CRM-M No.20102 of 2020
DATE OF DECISION : 23rd JULY, 2020

Baldev Singh

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present: Mr. Yogesh Goel, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.0198 dated 03.07.2020 registered under Section 420 IPC, 1860, at Police Station City Phagwara, District Kapurthala.

It is contended by counsel for the petitioner that the case against the petitioner is concocted by the police only because the complainant is a police official. The present complaint has been lodged by the complainant as a counter blast to the criminal complaint, filed by the petitioner against the complainant of the present FIR, under Section 138 of the Negotiable Instruments Act. It is only after the complainant had been summoned by the court that the present FIR has been concocted by the complainant. Otherwise the petitioner had even given a statutory notice to the complainant regarding the cheques in question. However, the complainant had neither replied that notice nor had taken any stand that the cheques in question were given to the finance company.

Otherwise also, petitioner had left the alleged company long back. In fact, the complainant had taken money from the petitioner for sending his son abroad. However, since the son of the petitioner could not be sent abroad, therefore, the complainant had given the cheques to him for returning of the money, which was dishonoured. As a tactic, to avoid making payments and taking advantage of his official status, he has concocted the present FIR against the petitioner.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from ASI Satwinder Singh, has submitted that there has been specific allegation against the petitioner. The cheque in question is yet to be recovered. However, it is not disputed that the complainant is a police official and that the petitioner had already filed a complaint against him under Section 138 of the Negotiable Instruments Act.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

23rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>