

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

Criminal Misc.-M No.21861 of 2020

Date of Decision: November 04, 2020

Kapil Singla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Mr. S.P.S.Tinna, Addl.A.G.Punjab.

Mr. Rajan Bansal, Advocate,
for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.151 dated 15.07.2020, under Section 420 IPC, 1860, registered at Police Station, Khuhi Khera, District Fazilka. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 06.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the allegations in the FIR pertain to the non-payment of loan by the petitioner, which was obtained from complainant in the year 2016. It is contended that the dispute between the parties is purely of civil nature and the petitioner is willing to settle the dispute by clearing the loan amount. According to learned

counsel, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 04.11.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from HC Vipin Chander, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 06.08.2020 is made absolute.

November 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No