

S.No.104

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

CRM-M-21796 of 2020 (O&M)

Date of Decision:06.08.2020

Surinder Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Chaudhary, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.152 dated 08.07.2018 registered under Section 420 IPC read with Section 120-B IPC at Police Station Tripuri, Patiala, District Patiala.

It is contended by counsel for the petitioner that the name of the petitioner has unnecessarily been dragged in the present FIR. The dispute is between the complainant and the co-accused, qua payment of Rs.50 lakhs. However, the petitioner is not connected with the said amount in any manner whatsoever. The said amount is alleged to have been paid as a security for the business of gas supplies, however, the petitioner is not connected even with any gas business; as such. The only attribution against the petitioner is that he is a witness to a deed, whereby some agreement to sell qua a particular piece of land, allegedly, entered into between the complainant and the co-accused; was cancelled. Otherwise, the petitioner is not even alleged to be connected with the main transaction, to which the present FIR relates. There is no other case against the petitioner.

Notice of motion.

Mr. Hitten Nehra, Addl. AG, Punjab, accepts notice on behalf of the State. Mr. Animesh Sharma, Advocate appears for the complainant.

Learned State Counsel being assisted by learned counsel for the complainant, submits that the name of the petitioner has been specifically mentioned in the FIR. There are allegations against the petitioner that he signed a document as a witness, through which the agreement to sell between the parties was cancelled. However, it is not disputed that the petitioner is not even alleged to be connected with the main transaction of transfer and receipt of Rs.50 lakhs. It is also not disputed that there is no case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that 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.

August 06, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No