

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.22594 of 2020
Date of Decision: November 19, 2020

Kulbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anutej Singh Barnala, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.76 dated 28.06.2020, under Sections 406 and 420 IPC, 1860, registered at Police Station, City Morinda, District Rupnagar. 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 13.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Counsel for the petitioner inter alia contends that long before lodging of the instant FIR, the complainant initiated criminal proceedings under Section 138 of the Negotiable Instruments Act with regard to dishonour of cheque dated 22.5.2018. It is further argued that as per allegations raised in the complaint,

the complainant gave a friendly loan of Rs. 1.5 lakh, in cash, and Rs. 4,50,000/- on 26.12.2017 as loan. It is further argued that allegations made in that complaint are absolutely contrary to what has been alleged in the FIR with regard to taking of money for sending son of the complainant abroad. It is further argued that even if the petitioner has failed to pay the loan raised by him, at best, it gives rise to civil liability but the same has been given colour of criminality to put pressure upon the petitioner.

Notice of motion.

Mr. S.P.S.Tinna, Addl. A.G.Punjab accepts notice on behalf of State of Punjab. Adjourned to 26.10.2020.

In the meantime, the petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

(i)He shall make himself available for interrogation by a police officer as and when required;

(ii)He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(iii)He shall not leave India without previous permission of the Court.”

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 ASI Surender Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 13.08.2020 is made absolute.

November 19, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No