

**CRM-36778-2019 in/and  
CRM-M-47594-2018**

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

**CRM-36778-2019 in/and  
CRM-M-47594-2018**

**Date of decision-30.01.2020**

**Gurinder Singh**

**...Petitioner**

**Vs.**

**State of Punjab**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

**Present: Mr. Anil Shukla, Advocate for the petitioner.**

**Mr. Prabhjot Singh Walia, AAG, Punjab.**

**Mr. D.S.Brar, Advocate for the complainant.**

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**MANOJ BAJAJ, J. (Oral)**

**CRM-36778-2019**

**Application is allowed as prayed for.**

**Annexure P-5 is taken on record.**

**Main case**

**This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.142 dated 04.05.2018 under Sections 420 and 120-B of Indian Penal Code, 1860 registered at Police Station City Khanna, District Ludhiana. The petitioner apprehended his arrest at the hands of Police in the above FIR.**

**Notice of motion in the petition was issued on 29.10.2018 and**

subsequently, vide orders dated 22.11.2018 and 29.11.2018, interim protection was extended to the petitioner and also a direction was issued to him to deposit a sum of Rs.3.70 lac. The order dated 22.11.2018 reads as under:-

*“It has been submitted that the petitioner wants to join investigation.*

*He is ordered to join investigation within seven days subject to the condition that he shall appear before the Area Magistrate and submit the bank draft for a sum of Rs.3.70 lac in the name of the complainant. On his doing so, he shall be released on interim bail and subject to his furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.*

*Learned Magistrate shall disburse this amount to the complainant on his submitting surety to the effect that in the event of any court directs him to return this amount, he shall return and on his failure to do so, the surety shall be liable.*

*However, the said order shall be without prejudice to the rights of the parties.*

*Adjourned to 15.12.2018.”*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the JMIC, Khanna on 04.12.2018 and tendered the original bank draft bearing No.001668 dated 03.12.2018 amounting to Rs.3.70 lac drawn on HDFC Bank, Ltd.

Learned State counsel who is assisted by ASI Shamsheer Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Shamsheer Singh 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 22.11.2018 is made absolute.

(MANOJ BAJAJ)  
JUDGE

30.01.2020

|        |                             |     |    |
|--------|-----------------------------|-----|----|
| vanita | Whether speaking/reasoned : | Yes | No |
|        | Whether Reportable :        | Yes | No |