

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34943-2019

Date of decision-14.01.2020

Rajinder Singh Gill

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Arjun Shukla, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. G.S.Sirphikhi, Advocate for the complainant.

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.0168 dated 12.08.2019 under Sections 420 and 406 of Indian Penal Code, 1860 registered at Police Station Civil Line, Batala, District Gurdaspur. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 27.08.2019 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 senior counsel for the petitioner contends that the dispute between the parties is purely of civil nature and the civil suit is also pending between the parties. It is further pointed out that the cheques belonging to the account of the petitioner and in favour of farmers, had dishonoured and the proceedings under Section 138 of Negotiable Instruments Act, 1881 are separately pending.

According to him in the given facts the custodial interrogation of the petitioner may not be required.

Notice of motion for 18.12.2019.

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 who is assisted by ASI Baldev Raj does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Baldev Raj further states that the petitioner is not required for custodial interrogation for the time being.

Learned counsel for the complainant opposed the prayer of the petitioner.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

14.01.2020

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