

213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36619-2019
Date of decision-14.01.2020

Amar Nath

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Ritesh Pandey, 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.13 dated 18.01.2019 under Sections 420 and 380 of Indian Penal Code, 1860 registered at Police Station Moti Nagar, Ludhiana. 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 02.09.2019 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 counsel for the petitioner contends that the allegations in the FIR relate to the alleged breach of agreement to sale dated 05.08.2014 and civil suit filed by the complainant in respect of the said agreement to sell is pending. According to him, the dispute between the parties is purely of civil nature and the FIR was got

registered belatedly to pressurize the petitioner who is 90 years old person.

Notice of motion for 14.01.2020.

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 counsel for the complainant opposed the prayer of the petitioner.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel 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 02.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

14.01.2020

vanita

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