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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40509-2019
Date of decision-10.02.2020

Jatinder Kapoor

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0133 dated 05.08.2019 under Sections 420 and 120-B of Indian Penal Code, 1860 (Section 201 IPC added later on) registered at Police Station Punjab Agriculture University (PAU), District Police Commissionerate Ludhiana. 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 20.09.2019 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 as per the complainant who is distributor of Samsung Electronics supplied goods to the firm, namely, M/S

Nexus Electronics worth Rs.16 lacs and the said amount was not paid by them to the complainant. He submits that allegations are against three persons, namely, Nitin Jain, Gauri Jain and Tarun Jain and the petitioner is not named in the FIR nor any role is attributed to him except that he had purchased some electronic items from the said firm i.e. Nexus Electronics. According to him, the custodial interrogation of the accused may not be necessary.

Notice of motion for 10.02.2020.

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 State counsel who is assisted by ASI Richard Masih does not dispute this fact that the petitioner has joined the investigation and he 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 20.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.02.2020

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