

216-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50799-2019
Date of decision-10.02.2020

Tarun Jain and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Atul Goyal, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners 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, District Police Commissionerate Ludhiana. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 29.11.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that admittedly as per the complainant there were business transactions between the parties and the alleged amount

of Rs.16 lacs was paid by way of cheques and upon dishonour of the same, complainant has filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the petitioners which is pending. He submits that in the given facts, custodial interrogation of the petitioners may not be necessary.

Notice of motion for 10.02.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-40509-2019.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 petitioners have joined the investigation and they are 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 29.11.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.02.2020

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