

CRM-M-52355-2019

Date of decision: 16.01.2020

ASHOK KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S. Sangwan, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

VIVEK PURI, J. (ORAL)

Present petition under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner, namely Ashok Kumar in case FIR No. 264 dated 02.11.2019, registered under Sections 420, 120-B IPC at Police Station Sadar, District Fazilka.

On 09.12.2019, the following order was passed.

“Petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No. 264, dated 02.11.2019, registered under Sections 420/120-B IPC, at Police Station Sadar, Fazilka, District Fazilka (Punjab).

Learned counsel for the petitioner contends that the petitioner and the first informant used to do business of trading in cattles and it is on that account the first informant used to deposit amount in the account of the petitioner. He further submits that since the relationship between the petitioner and the first informant turned sour, therefore, he now has been falsely implicated by giving it a colour of criminal case.

Notice of motion for 16.01.2020.

On asking of the Court, Mr.SPS Tinna,

Addl.A.G.,Punjab, accepts notice on behalf of the State. A copy of the petition be handed over to Mr.SPS Tinna, Addl.A.G.,Punjab, during the course of the day.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C”.

It has been stated by the learned counsel for the petitioner that the petitioner has joined the investigation in pursuance to the interim direction issued by this Court and Santosh Rani-co-accused has already been granted pre-arrest bail vide order dated 08.11.2019.

Learned State counsel on instructions from ASI jagraj has not disputed factual position.

Further, it has been stated by the learned counsel for the petitioner that the present case has been lodged as there was a dispute on account of joint Cattle business being run by the petitioner and the complainant.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 09.12.2019, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

16.01.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No