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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.2918 of 2021
Date of Decision:03.08.2021**

Jaskaran Singh

.....**Petitioner**

Vs

State of Punjab

.....**Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Vikas Arora, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl A.G Punjab.

Mr. Raman Mohinder Sharma, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.311 dated 12.12.2020 registered under Sections 420 and 406 IPC at Police Station City Sangrur, District Sangrur.

It has come on record that anticipatory bail was granted to the petitioner by the Court of Sessions vide order dated 18.12.2020 subject to certain conditions. One of the conditions was that the applicant/petitioner will deliver the possession of the truck to the complainant, who in turn will pay Rs.4 lacs to the petitioner. The condition No.1 was not complied with and the anticipatory bail was ultimately dismissed on 06.01.2021.

Notice of motion was issued on 07.04.2021 and the

following order was passed:-

"Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.311 dated 12.12.2020 under Sections 420 and 406 IPC registered at Police Station City Sangrur, District Sangrur.

Complainant entered into some agreement with the petitioner for purchase of truck/tanker for a total sale consideration of Rs.14,25,000/-. Admittedly, an amount of Rs.8,25,000/- was deposited in the account of the petitioner. An amount of Rs.4,00,000/- is still lying with the Investigating Officer in the form of demand draft.

Complainant can be called upon to get those demand drafts re-validated. An amount of Rs.1,90,000/- was also transferred by the complainant in favour of the petitioner on 11.10.2020. It appears that the controversy is revolving around the said amount of Rs.1,90,000/- or 2,00,000/-. According to the petitioner the said amount was meant for consideration towards tyres, whereas according to learned counsel for the complainant, the said amount was to be computed towards total sale consideration.

During course of arguments, it has come to fore that the possession of the truck has already been taken by the complainant through Superdari. The said order of Superdari has already been assailed by the petitioner in revision before the Court of Sessions.

Learned counsel for the petitioner further submitted that qua the ownership of the truck, he has already filed a suit for declaration before the trial Court. In the context of taking his signature and transferring the truck on the basis of those forged signatures, the petitioner has already invoked jurisdiction under Section 156(3) Cr.P.C. before the Judicial Magistrate.

This Court would not comment upon the pendency of civil suit as well as the proceedings under Section 156(3) Cr.P.C., but the fact as on date remains is that the truck is in possession of the complainant. Registration certificate has also

been transferred in the name of the complainant.

In view of above, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 12.04.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 10.07.2021.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.”

Learned counsel for the petitioners submits that the amount of Rs. 4 lacs is still with the Investigating Officer and the petitioner has not received the same in any manner. The truck has already been taken on superdari by the complainant. The petitioner has already assailed the order granting superdari in a revision petition before Court of Sessions. Petitioner has also filed a civil suit for declaration in respect of ownership of the truck. Petitioner has also invoked Section 156(3) Cr.P.C before the Judicial Magistrate in view of his forged signatures for transferring the truck. It appears that the case involves contentious issues which are to be settled during trial on the basis of nature of evidence to be led by the parties.

Learned counsel for the complainant vehemently opposed the prayer of anticipatory bail on the ground that the conduct of the petitioner is not such, which would entitle him the concession of anticipatory bail. Secondly he has not received any summons from the Criminal Court.

Learned State counsel on instructions from ASI Sukhwinder Singh submits that entire payment has been

received from the petitioner and no amount is due towards him. Petitioner has joined the investigation to the satisfaction of the Investigating Officer on 12.04.2021.

In view of aforesaid factual position, the interim order dated 07.04.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

03.08.2021*Amandeep***(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable**Yes/No**