

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

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**CRM-M No. 2102 of 2020 (O&M)
Date of Decision:24.09.2021**

NEELAM VASHISAT AND ANR

.....Petitioners

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.P.K.S.Phoolka, Advocate for the petitioners.

Mr.Bhupender Beniwal, AAG, Punjab

Mr.Ashish Grover, Advocate for the complainant.

RAJ MOHAN SINGH, J. (Oral)

CRM-28954-2021

For the reasons mentioned in the application, reply on behalf of the complainant along with its enclosures i.e.Annexures R-1 to R-4 is taken on record.

Application stands disposed of.

Main case

Petitioners seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.01 dated 02.01.2020 registered under Sections 420, 465, 468, 471, 120-B IPC at Police Station S.G.N.Dev, Thermal Plant Bathinda District Bathinda.

On 17.01.2020, following order was passed by this Court:-

“Learned counsel for the petitioners contends

that the FIR in question came to be registered only after summoning orders dated 14.09.2019, 30.09.2019 and 01.10.2019 passed by the Judicial Magistrate Ist Class, Bathinda in cri. Complaints case under Section 138 of the Negotiable Instruments Act (for short 'the Act') filed by the petitioner Neelam Vashisat. In fact, complainant is real brother of the petitioners. Complainant took a loan of Rs.9,75,000/- from the petitioners and in lieu thereof, gave three cheques to the petitioners. On presentation, the cheques were dishonoured. Three complaints under Section 138 of the Act came to be filed by the petitioners. After passing of summoning orders, the complainant has alleged misuse of cheques by the petitioners. The grounds on which the FIR has been lodged are the grounds of defence in the complaint filed by the petitioners.

Notice of motion for 25.03.2020.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 24.01.2020 at 11.00 a.m. and in the event of their arrest, they shall be enlarged on ad interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners submits that the petitioners have joined the investigation and even challan has been presented.

Learned State counsel, on instructions from ASI Kewal Singh, admits the aforesaid position.

Learned counsel for the complainant, however, opposed the bail on the ground that the petitioners have obtained the order dated 17.01.2020 by concealing the material facts. He has referred to some more complaints filed by the complainant against the petitioners in which petitioners have already been summoned.

Admittedly, the FIR came to be registered only after passing of summoning orders dated 14.09.2019, 30.09.2019 and 01.10.2019. The arguments raised by learned counsel for the complainant and defence projected by learned counsel for the petitioners would be the necessary defences available to the parties during trial of the aforesaid cases.

Since the challan has been presented, I deem it appropriate to confirm the order dated 17.01.2020. Ordered accordingly. However, the petitioners shall keep on appearing before the trial Court regularly.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

24.09.2021

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No