

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

210

CRM-M-4725-2020

Date of Decision:18.08.2021

SACHIN GUPTA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.08 dated 08.01.2020, Annexure P-1, registered under Sections 406 and 420 of IPC, 1860, at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

Counsel for the petitioner has contended that the dispute between the parties is purely civil in nature and FIR, Annexure P-1, was deliberately registered to give it a criminal colour in order to pressurize the petitioner.

On 03.02.2020, this Court passed the following order:-

“Learned counsel for the petitioner has submitted that the petitioner was supplying furnished steel products to the complainant and had business transactions with him since 2018. In September 2019, allegedly an amount of ₹19.00 lakhs was to be refunded by the petitioner to the complainant on account of non-supply of material. He refunded the amount by way of cheque which somehow was dis-honoured. He further submitted that

*dis-honouring of the cheque is only a civil liability and there is no element of cheating and forgery. He has placed reliance upon a Co-ordinate Bench judgment of this Court in **Chhote Lal Aggarwal Vs. State of Punjab 1987(2) RCR (Criminal) 263.***

Notice of motion for 30.04.2020.

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

Learned State counsel on instructions from ASI Avtar Ali, states that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other criminal case.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 03.02.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

18.08.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No