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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8294 of 2021
Date of Decision:16.07.2021

SHINDERPAL

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parvesh Sachdeva Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail in case bearing FIR No.25 dated 07.02.2020 registered under Section 420 IPC at Police Station City Lines Bathinda, District Bathinda.

At the time of issuing notice of motion following order was passed:-

Learned counsel for the petitioner submits that the FIR which has been lodged at the instance of a Press Reporter is an abuse of process of law inasmuch as three separate complaints have already been filed in respect of the three cheques stated to have been dishonoured wherein the trial Court while summoning the petitioner specifically observed that no offence under Section 420 IPC is made out.

Notice of motion for 15.5.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim

bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)

February 26, 2020

JUDGE

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Admittedly three criminal complaints under Section 138 of Negotiable Instruments Act are pending before the concerned Court in which petitioner has been summoned to face trial. While passing order of summoning the Judicial Magistrate First Class Bathinda, has observed that sufficient ground exist in proceeding under Section 138 of Negotiable Instruments Act, however offence under Section 420 IPC is not made out against the petitioner.

Learned counsel for the petitioner further submits that in compliance of the order dated 26.02.2020, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from SI Karamjit Singh submits that though the petitioner has joined the investigation but he has not facilitated the recovery of the amount in question. Recovery of amount if any would remain debatable, in view of pendency of criminal complaint under Section 138 of Negotiable Instruments Act.

In view of aforesaid factual position, the interim order dated 26.02.2020 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.

16.07.2021
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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE
Yes/No
Yes/No