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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8985 of 2020
Date of Decision:30.07.2021

PRABHDIAL SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Ms. Amandeep Kaur, 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 under Section 438 Cr.P.C in case bearing FIR No.220 dated 06.09.2018 registered under Section 406 IPC, at Police Station Civil Lines, Bathinda.

On 02.03.2020, following order was passed:-

“Learned counsel for the petitioner contends that as per allegations in the FIR, the petitioner has operated Ajax Flori Agro Machine from November 2016 till 06.09.2018 and he took the machine to Rajasthan and thereafter to Madhya Pradesh and has not returned the same to the complainant.

Per contra, the case of the petitioner is that he never took the machine to Rajasthan or Madhya Pradesh. He has

alleged that the complainant had taken blank signed security cheques bearing No.794923 and 794924 from the petitioner and after completion of the work at Village Sardargarh, the petitioner has settled the account with the complainant and made payment of outstanding dues of rent of the machine to the complainant, but the complainant did not return the cheques, rather misused the same by filing complaint under Section 138 of the Negotiable Instruments Act. The complaint is pending before the Court. Besides filing the complaint, the petitioner has also lodged the present FIR.

Notice of motion for 27.04.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 06.03.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the order dated 02.03.2020, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from Investigating Officer admits the aforesaid fact and submits that the petitioner after the formal arrest has been released on interim bail.

Learned State counsel further submits that petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required for custodial

interrogation in the case.

In the very nature of allegations and denial by the petitioner, the custody of the petitioner is not required for any custodial interrogation. Since the petitioner has joined the investigation, therefore the interim order dated 02.03.2020 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.

30.07.2021

Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No