

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-9243-2020

Date of decision: 03.08.2021

Rulda Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.P.Soi, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 121 dated 20.06.2018 under Sections 406 and 409 of the Indian Penal Code, 1860, registered at Police Station City Rupnagar, District Rupnagar.

On 16.03.2020, the following orders were passed:-

“In pursuance to the order dated 02.03.2020, counsel for the petitioner has placed on record a copy of the execution petition and the interlocutory orders passed by the Executing Court. The same are taken on record, subject to all just exceptions.

Counsel for the petitioner has submitted that the petitioner had taken a personal loan of ₹1.00 lakh which has been described by the complainant as a loan for tractor. On alleged default in repayment, the matter was referred to an Arbitrator who passed an award dated 17.10.2014, on the basis of which, the complainant had filed an execution in the

*year 2017, but the same was withdrawn on 17.02.2020. In the meanwhile, the present FIR was registered on 20.06.2018. A perusal of the FIR shows that it had arisen out of the loan transaction and there is no criminal intent. He has placed reliance on the judgment of the Hon'ble Supreme Court in **Satishchandra Ratanlal Shah Vs. State of Gujarat and another 2019(2) RCR (Criminal) 145.***

Notice of motion for 27.04.2020.

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, upon instructions, from ASI Jasmer Singh submits 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 above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 16.03.2020 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

03.08.2021
Kamal

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