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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9680-2020
Date of decision-14.09.2021

BHUPESH SHARMA

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.54 dated 15.08.2016, under Section 420 Indian Penal Code, 1860, registered at Police Station Balianwali, District Bathinda. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.03.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 54 dated 15.08.2016 registered under Section 420 of the Indian Penal Code, 1860 at Police Station

Balianwali, District Bathinda.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner had taken loan of Rs. 98000/- from the complainant and had repaid amount of Rs.1,50,000/- to the complainant. The dispute of civil nature has been given the colour of the criminal offence. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 20.05.2020.

In the facts and circumstances of the case, presence of complainant is considered to be necessary for just and proper decision of the petition. On oral request of learned counsel for the petitioner, complainant is ordered to be impleaded as respondent No. 2. Memo of parties be amended accordingly.

Notice to newly added respondent No.2 be issued for that date on filing of process fee by the petitioner and notice be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438 (2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

Personal appearance of the petitioner and the complainant is ordered for that date.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating

Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Kuldeep Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 05.03.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

14.09.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No