

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

CRM-M No.14721 of 2021 (O&M)

Decided on: 01.11.2021

Roop Chand

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gourav Jain, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.35 dated 02.03.2021, registered under Section 379 IPC (Section 379 IPC deleted later and Sections 211/182/420/120-B IPC added) at Police Station Anaj Mandi, District Patiala.

The operative part of the order dated 10.09.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned State Counsel submits that apart from the disclosure statement of co-accused Sarabdayal Singh i.e. the owner of the truck, a sum of Rs.50,000/- as also blank cheque containing signatures of the petitioner was recovered from said co-accused.

Per contra, learned counsel for the petitioner contends that the cheque as referred to by learned State counsel was issued prior to issuance of cheque of subsequent number (i.e. 25596) which was presented for payment on 02.12.2020, therefore, it is apparent that the cheque in question was issued on a date prior to 02.12.2020 and further that the same was security for repayment of loan taken by the petitioner from the co-accused.

Learned counsel for the petitioner contends that in the circumstances, it is apparent that there is no material to connect the petitioner with the alleged commission of the offence.

*Learned State counsel requests for time to file reply.
Adjourned to 27.10.2021....”*

Counsel for the petitioner has submitted that, in pursuance to the order dated 10.09.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Reply by way of affidavit of the Deputy Superintendent of Police, City-II, Patiala, is on record and as per the reply, the FIR was registered on the statement of one Sarabdayal Singh that he has parked his truck on a road side and when he came back, the same was found stolen, however later on, during the investigation, it came that the truck has been sold to a junk dealer to take claim from the insurance company. Thereafter, the present FIR was registered for concealing the facts.

Counsel for the State, on instructions from SI Justin Sadik, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 10.09.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

01.11.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No