

CRM-M No.18989 of 2021 (O&M)
Date of Decision : 28.07.2021

Inderjit

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Raj Shekhar, Advocate for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab.
*****B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.176 dated 02.09.2020 registered under Sections 406 & 420 IPC at Police Station Jodhewal, District Ludhiana.

3. On 10.05.2021, the following order was passed:-

“ Taken up through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.176 dated 02.09.2020 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Jodhewal, District Ludhiana.

Learned counsel for the petitioner would contend that there is a delay of nine months in lodging the FIR. Further, it is the contention of learned counsel for the petitioner, that the same is a counter-blast to the complaint filed under Section 138 of the Negotiable Instruments Act, 1881 by the petitioner. Learned counsel for the petitioner would further contend that though it has been alleged in the FIR that only 16 bags (10,400 pieces) were supplied, however, a perusal of the bill Annexure P-2, which has an

acknowledgment from the complainant, states that 20,280 pieces were received by him on 31.10.2019.

Notice of motion.

On the asking of the Court, Ms. Samina Dhir, DAG Punjab has put in appearance through video conferencing and accepts notice on behalf of the State while Mr. Akash Yadav, Advocate for Mr. Abhinav Gupta, Advocate has put in appearance through video conferencing on behalf of the complainant.

List on 28.07.2021.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973. ”

4. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from *ASI Radhey Shyam*, confirms that pursuant to the order of this Court dated 10.05.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and his custodial interrogation is not required.

5. In view of the statement of the learned State Counsel, order dated 10.05.2021, passed by this Court, is made absolute. The petitioner shall continue to abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

28.07.2021

'Rajneesh'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No