

212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21131-2021
Date of Decision: 15.09.2021

RAKESH KUMAR MEHRA

..... petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE **MANOJ BAJAJ**

Present: Mr. Vishavjeet Singh Rishi, Advocate,
for the petitioner.

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

Mr. Jagdish Singh Mahal, Advocate
for the complainant.

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.272 dated 10.12.2020, under Sections 420 and 120-B IPC, registered at Police Station Dhariwal, District Gurdaspur. 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 27.05.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.272 dated 10.12.2020 under Sections 420, 120-B IPC registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner inter alia

contends that the petitioner has been falsely implicated in the case in hand on the allegations that the petitioner and his brother had cheated the complainant of Rs.3.30 lakhs on the pretext of installing solar panels in her house. However, later on neither solar panels were installed nor the amount, which was given to the petitioner and his brother against the purchase of said solar panels, was returned to the complainant. Learned counsel further submits that in fact it was a case of civil nature between the co-accused i.e. brother of the petitioner and the complainant since three cheques, which were issued by his brother namely Suresh Mehra for the return of the amount received for the installation of the solar panels, were dishonoured by the bank on account of insufficient funds. It has also been contended that the petitioner has no role to play in the crime in question and he has been implicated as he happens to be the brother of the co-accused. The offences under Section 420 IPC are triable by the Magistrate.

Notice of motion for 15.09.2021.

On the asking of the Court, Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

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 ASI Raj Masih 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 27.05.2021 is made absolute.

15.09.2021*Ali***(MANOJ BAJAJ)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No