

CRM-M-26357-2021

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

CRM-M-26357-2021.
Date of Decision:-24.09.2021.

Amar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Saurabh Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.0031 dated 03.03.2021 under Sections 420 and 120-B IPC, registered at Police Station Sadar Khanna, District Khanna, Punjab.

On 29.07.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Case taken up through video conferencing.

Counsel for the petitioner has contended that co-accused of the petitioner, who was almost similarly placed, namely Raj Bahadur, has been granted concession of pre-arrest bail by learned Addl. Sessions, Ludhiana, vide order dated 19.04.2021,

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wrongly denying said concession to the petitioner and the petitioner is ready and willing to join the investigation.

Ld. State counsel, on instructions from ASI Jatinder Singh states that necessary direction be issued to the petitioner to do so.

Under the circumstances, I find it proper and appropriate to direct the petitioner to join the investigation within 07 days from today and render all sort of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.

List on 24.09.2021.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions, has submitted that although the petitioner has joined the investigation but the recovery of money has to be made from him and even the vehicle has not been recovered. Thus, he has opposed the present bail application.

This Court has heard the learned counsel for the parties.

A perusal of the prosecution case would show that in the present case, the truck in question has been sold to one Balveer Singh for an amount of Rs.6,15,000/- and an amount of Rs.1,15,000/- was paid by the said Balveer Singh initially. With respect to the remaining amount,

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cheques were issued by Balveer Singh and the said Balveer Singh did not pay the balance amount and in fact, sold the vehicle and it was the said Balveer Singh to whom the possession was given. It is, thus, apparent that the petitioner is not the beneficiary of the transactions and allegations have been made that he was the commission agent, who had orally undertaken that the said Balveer Singh would pay the money. The recovery, if any, has to be made from the said Balveer Singh. Moreover, the present dispute seems to be a dispute having civilappings.

Keeping in view the above facts and circumstances, as well as the fact that the petitioner has already joined the investigation, the present petition is allowed and the interim order dated 29.07.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 24, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No