

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27029-2021
Date of decision-29.11.2021

BHUSHAN KUMAR

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Vaibhav Mittal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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.96 dated 16.06.2021, under Section 420 Indian Penal Code, 1860, registered at Police Station Guru Harsahai, District Ferozepur. 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 14.07.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned Senior counsel has argued that the petitioner had obtained loan of Rs.90,00,000/- from Surjit Singh Dhillon in the year 2014- 16 and against that, he had executed several sale deeds, as security

with a recital that after return of the loan, the properties would be transferred back by the lender in favour of the borrower. He submits that against the said loan, approximately a payment of Rs.1,50,00,000/- has already been made by the petitioner, but the properties are still in the name of Surjit Singh.

It is the case of the petitioner that in order to falsely implicate him, the present FIR was lodged through Gursher Singh, who is a real brother of Surjit Singh' son-in-law, who alleged that the petitioner met him for the first time in a train in the year 2015 and induced him to purchase his property and complainant paid approximately Rs.32,50,000/-, but as the property has not been sold, he lodged this case after a long delay. Mr. Aggarwal, learned senior counsel has pointed out that while obtaining loan from Surjit Singh, the petitioner had given blank security cheques belonging to State Bank of Patiala, which was later on merged with the State Bank of India and those cheques were misused by the said person by filling the name of the complainant. According to him, the dispute, if any, is purely of civil nature, therefore, his custodial interrogation may not be necessary.

Notice of motion for 29.11.2021.

Mr. Rajinder Kumar Singla, Advocate appears on behalf of the complainant and according to him, the complaint filed by complainant under Section 138 Negotiable Instruments Act, 1881 is pending against the petitioner.

Considering the above, prima facie at this stage, this Court is of the opinion that the custodial interrogation of the petitioner does not seem to be necessary.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

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 Jaspal Chand 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 14.07.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.11.2021

Vipin kumar

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