

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 31384 of 2020 (O&M)
Decided on: 04.03.2021

Joga Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kapil Khanna, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Anandeshwar Gautam, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0052 dated 15.08.2020, registered under Sections 406, 420 IPC and 13 of the Punjab Travel Professional (Regulation) Act, 2014, at Police Station Mukandpur, District S.B.S. Nagar.

The operative part of the order dated 27.10.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...It is submitted by counsel for the petitioner that as per the compromise arrived at between the parties, the amount of Rs.2.56 lacs has already been credited by co-accused Manoj Kumar Taneja in the account of the complainant. He has relied upon the bank account statement (Annexure P/12) of Manoj Kumar Taneja in this regard. It is further submitted that the petitioner is required to pay further amount of Rs.40,000/- under the said agreement. The petitioner is ready to pay even the said amount to the complainant. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State and Mr. Anandeshwar Gautam, Advocate put in appearance on behalf of complainant. Both the counsel pray for time to address arguments.

Adjourned to 26.11.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his paying an amount of Rs.40,000/- to the complainant by way of demand draft, within a period of one week and further subject to furnishing personal bonds/surety to the satisfaction of Arresting/ Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

However it is clarified that the investigating officer of the case shall release the petitioner on interim bail only in case the petitioner produces before him the proof of having paid the aforesaid amount to the complainant....”

Counsel for the petitioner has handed over a demand draft of Rs.40,000/- and argued that, in pursuance to the order dated 27.10.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Nirmal Singh, 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 27.10.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

04.03.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No