

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

202-2

**CRM-M-33948-2020
Date of Decision:05.07.2021**

BHUSHAN SAKRORIYA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Saurabh Kapoor, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.124 dated 16.07.2020, registered under Sections 420 and 120-B IPC, 1860, at Police Station Kotwali, Bathinda, District Bathinda.

Status report by way of affidavit has been filed on behalf of the respondent-State, in compliance of order dated 22.10.2020, which is taken on record.

On 22.10.2020, this Court had passed the following order:-

“The case has been taken up through Video Conferencing due to prevailing situation of COVID-19.

This is a petition, under Section 438 Cr.P.C., moved by the petitioner for grant of anticipatory bail in case having FIR No.124 dated 16.07.2020, under Sections 420 and 120-B IPC, registered at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner submitted that there were commercial transactions going on between the complainant and the petitioner. The petitioner being manufacturer of exercise notebooks, appointed the complainant as stockist. The cheque issued by the complainant worth Rs.72,000/- in favour of the petitioner was dishonoured and on this, the petitioner lodged complaint against the complainant. In the said complaint, the complainant was summoned under Section 138 of the Negotiable Instruments Act. It is alleged that the present FIR is counter-blast to the said criminal complaint. Learned counsel for the petitioner also brought to the notice of the Court that co-accused, Yadwinder Dutt, has already been granted interim anticipatory bail in this very case by the Co-ordinate Bench of this Court, vide order (Annexure P-3).

Notice of motion.

At this stage, Mr. Randhir Singh Thind, DAG, Punjab, has accepted notice on behalf of the respondent-State and submitted that the petitioner committed fraud worth Rs.3.5 lacs against the complainant.

The entire case is based on the commercial transactions, which took place between the parties. In the aforesaid circumstances, it is hereby directed that in case of arrest, the petitioner be released on interim bail by the Investigating Officer to his own satisfaction till the next date of hearing. In the meantime, the petitioner is directed to join the investigation with the police well before the next date of hearing and he has also to obey the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 19.11.2020.

The report of the SHO/IO be also called for that date.”

Learned State counsel on instructions from ASI Gurmukh Singh, states that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 22.10.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

05.07.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No