In virtual Court

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33994-2020 (O&M)
Date of decision: 19.01.2021

Balraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Harmandeep Mann, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. K.L. Saini, Advocate
for the complainant.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0070 dated 20.08.2020 under Section 420 IPC, registered at Police Station Sadiq, District Faridkot.

While granting interim bail to the petitioner, following order was passed by this Court on 27.10.2020: -

> *"...Inter-alia submits that petitioner purchased vehicle TATA 4018, bearing RC No.PB 11BK 9579 from the complainant Gurdev Singh on which there was a loan of Cholamandalam company as per agreement dated 23.02.2019 (Annexure P-2). The total amount to be paid was Rs.7,30,000/- and Rs.1,10,000/- was*

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High Court, Chandigarh

paid as cash for the possession of the vehicle. The loan installments were to be paid by the petitioner and on default the complainant Gurdev Singh had right to take away the vehicle. A legal notice dated 18.07.2019 (Annexure P-4) was also served upon the complainant that he is free to take away the vehicle as the petitioner was having economic hardship which was not acted upon. Eventually, the finance company seized the vehicle on 16.10.2019 (Annexure P-5) and FIR No.70 under Section 420 IPC, 1860 has thus been registered subsequently on 20.08.2020. It is further submitted that custodial interrogation of the petitioner is not required in the above said circumstances..."

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Learned counsel for the complainant has relied upon a legal notice allegedly sent by the petitioner, to submit that the petitioner owe some amount to the complainant, however, on the face of it, it is a civil dispute.

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

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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