

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

(208)

CRM-M-42938-2021 (O&M)
Date of Decision:-08.11.2021.

Kireet Bansal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Dr. Rau P.S. Girwar, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

Mr. Shivam Garg, Advocate for the complainant.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

CRM-34329-2021

Application is allowed as prayed for, subject to all just exceptions.

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This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.100 dated 14.08.2021 under Sections 406 and 380 of IPC, registered at Police Station Nehianwala, Bathinda.

On 12.10.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of

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anticipatory bail to the petitioner in FIR No.100 dated 14.08.2021 registered under Sections 406, 380 of the Indian Penal Code, 1860 at Police Station Nehianwala, Bathinda.

Learned counsel for the petitioner inter alia contends that in the present case, the petitioner is the son of Parminder Kumar Bansal and the said Parminder Kumar Bansal is the cousin of the complainant. The complainant was out of funds as he was facing cases filed against him under the Negotiable Instruments Act, 1881 and thus, the father of the petitioner had entered into a lease agreement dated 18.03.2021 (Annexure P-4) with respect to land measuring 1 kanal 0 marla on the rent amount of Rs.12,000/- annually. It is further submitted that even the sister of the petitioner had entered into a lease agreement dated 18.03.2021 (Annexure P-5). It is submitted that the said lease premises were under the Co-operative Bank, Bathinda, and in fact the complainant was not authorised to enter the said agreement and thus, accordingly, he wrote a letter dated 08.07.2021 to the Manager, Punjab National Bank, Zila Parishad Branch, Bathinda, for cancellation of the loan which he had initially sought. It is further submitted that the father of the petitioner had invested Rs.13,50,000/- and had given the same to the brother of the complainant. It is also submitted that the petitioner had also filed a civil suit and the dispute in the present case has civil tappings.

Notice of motion.

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On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the State of Punjab and Mr. Shivam Garg, Advocate appears on behalf of the complainant and have opposed the present petition.

Adjourned to 08.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and 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.

It will be open to learned counsel for the complainant to assist the Court on the next date of hearing along with whatever documents he seeks to place on record.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation. It has also been submitted that co-accused of the petitioner i.e., Parminder Kumar Bansal, has already been granted the benefit of anticipatory bail by this Court vide order dated 28.10.2021 passed in **CRM-M-42657-2021** and the case of the petitioner is similar to that of Parminder Kumar Bansal.

Learned State counsel, on instructions from ASI Sukhpal Singh, has submitted that the petitioner has joined the investigation.

Keeping in view the above-said facts and circumstances, moreso, the fact that in the present case, the civil suit has been filed and the case has civil tappings and also the fact that the petitioner has joined the

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investigation and co-accused of the petitioner i.e., Parminder Kumar Bansal, has already been granted the concession of anticipatory bail by this Court vide order dated 28.10.2021 passed in **CRM-M-42657-2021**, the present petition for grant of anticipatory bail is allowed and the order dated 12.10.2021 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

November 08, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No