

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

203

CRM-M-19451-2021

Date of decision: 18.07.2022

PARDEEP KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Sukesh K.Jindal, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

Mr. Raja Sharma, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of anticipatory bail.

2. FIR bearing No.253 of 28.04.2021, is registered at Police Station City Panipat, therein, an offence constituted under Section 380 of the IPC, is embodied.

3. The allegation made against the present bail petitioner, is qua his filching a signed leaf of the cheque book, as kept in the personal closet of the complainant. The amount thereof, is alleged to be in a sum of Rs. One lac. Moreover, it is alleged to be signed by the complainant. The petitioner is alleged to after his quitting his employment on December, 2020 under the complainant, his presenting the above stolen cheque, on 06.01.2021, before the banker concerned,

and, thereafter succeeding in causing realizations to him by the banker concerned, qua the amount carried therein.

4. Though, in the wake of the petition FIR rather not alleging against the present bail petitioner, that the signatures carried thereons, being forged, or, unauthentic signatures of the complainant, therefore, there was no necessity for the investigating officer to collect his sample signatures, and or, his admitted signatures, nor, thereafter to transmit them to the expert concerned, for the latter making comparisons thereof, with the signatures of the complainant, rather as admitted by him (complainant), in the petition FIR, to be belonging to him.

5. However, the investigating officer concerned, thoughtlessly proceeded to take the sample signatures, and or, also his admitted signatures/writings, and, thereafter transmitted them, to the FSL concerned, for enabling the expert there, to make comparisons thereof, with the purported signatures of the complainant, as, carried in the cheque concerned, and, subsequently to make an opinion qua authorship thereof. However, yet the handwriting expert concerned, has been unable to draw any firm or conclusive opinion qua, whether the signatures carried thereon, are forged, and or, that they are made by the present bail petitioner.

6. Be that as it may, the learned State Counsel submits, that a sum of Rs. One lac carried in the shape of a fixed deposit, receipt whereof, has been handed over by the present bail petitioner, to the investigating officer concerned, rather has been prepared, if so, the above may work towards both the present bail petitioner, and, the respondent-complainant making an effort to compound the offence

arising out the allegations as made in the petition FIR, hence against the petitioner, and, may be also before the investigating officer concerned, who may thereafter choose to institute a cancellation report, before the learned trial Judge concerned, and, may also with the leave of the court cause encashment of the FDR to the concerned.

7. However, if no settlement occurs amongst the petitioner and the victim-complainant, thereupon, the investigating officer concerned, shall ensure his making the relevant deposit before, the learned trial Magistrate concerned, and, the amount carried therein shall not become disbursed to the victim, or, to the accused until the trial, as becomes entered into, in respect of the petition FIR, rather becomes concluded by the learned trial Judge concerned.

8. Therefore, with the above conditions, the petitioner who has demonstrated, his bonafides, through his making the above deposit before the investigating officer concerned, is granted, the indulgence of pre-arrest bail.

9. In nutshell, the instant petition is allowed, and, the order made by this Court on 17.05.2021, is made absolute on the same terms and conditions.

10. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

18.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*