

**209+102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19690-2021 (O&M)

Date of decision : 05.04.2022

Rajinder Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG., Punjab.

Mr. J.S.Mehndiratta, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.158 dated 14.04.2021 under Section 420 Indian Penal Code, 1860 (Sections 406 and 506 IPC added later on) registered at Police Station Zirakpur, District SAS Nagar, who apprehends his arrest at the hands of Police.

On 14.07.2021, this Court had passed the following order:-

“Learned counsel for the petitioner has argued that as per allegations, complainant had advanced friendly loan of Rs.40,70,000/- to petitioner and as the same was not repaid, he has falsely implicated him through the present FIR for the alleged offence of cheating. According to him, only a sum of Rs.11-50 lakhs was received by the petitioner in his account in the year 2019 and in order to clear the debt, he had agreed to sell his property in favour of complainant and executed agreement to sell dated 09.03.2020. Mr. Sharma, learned counsel has further contended that at the time of advancing the loan, the complainant had obtained blank cheques from the petitioner, who has misused the same as complaints under Section 138 Negotiable Instruments Act, 1881 against the petitioner are pending and in this regard petitioner's complaint is also pending with police. He

submits that the dispute, if any, is purely of civil nature, therefore, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 24.11.2021.

At this stage, Mr. Harsh Chopra, Advocate for the complainant has argued that the petitioner executed the cash receipts while receiving the loan and the cheques were voluntarily issued by him in order to clear the debt.

Considering the above, prima facie the dispute between the parties regarding recovery of loan amount is based on documentary material, so at this stage, it does not seem to be a case of custodial interrogation.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Harnek Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.07.2021 is made absolute.

05.04.2022

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Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No