

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-18757-2022
Decided on :19.07.2022

Sukhdev Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Sanjeev Patiyal, Advocate and
Mr. G. S. Ahluwalia, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 15 dated 05.02.2020 registered under Section 406, 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Balongi, District SAS Nagar.

On 05.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner had taken a loan of Rs.1,50,000/- from the complainant and out of the said amount, he had already returned Rs.1,00,000/- out of which, Rs.50,000/- had been paid in cash and Rs.50,000/- had been transferred through bank transaction. It is further submitted that the present dispute has civil trappings. It is argued that the petitioner is not involved in any other case.

It is also stated that in order to show his bona fide, the petitioner is ready to get the demand draft of an amount of Rs.50,000/- prepared in the name of the complainant on the next date of hearing and the same be given to the complainant without the petitioner admitting the commission of the offence as alleged in the FIR.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 19.07.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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.

The petitioner is directed to get demand draft of an amount of Rs.50,000/- prepared in the name of complainant on the next date of hearing.

It is made clear that in case, the said demand draft amounting to Rs.50,000/- prepared in the name of the complainant is not produced on record on the next date of hearing, then the present interim order granted in favour of the petitioner is liable to be vacated.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has got a demand draft to the tune of Rs.50,000/- in the name of complainant and the same has been handed over to the counsel for the complainant. It is further submitted that the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Surinder Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Learned counsel for the complainant have submitted that the petitioner has handed over the abovesaid demand draft of Rs.50,000/- in the name of the complainant and the same has been handed over to the complainant, who is stated to be present in the Court. Learned counsel for the complainant has recognized the said Pooja to whom he has handed over the abovesaid draft.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 05.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further investigation and that the demand draft to the tune of Rs.50,000/- has already been given by the petitioner to the complainant, the present petition is allowed and the interim order dated 05.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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

19.07.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No