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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22225-2021
Date of Decision: 05.07.2022

Hardev Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harvinder Singh Maan, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. S.N. Chopra, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 84 dated 06.04.2021, under Sectiond 406 and 420 IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

As per the allegations contained in the FIR, which was lodged on the basis of a complaint made by complainant Surinder Kaur by stating that her husband namely Tarsem Lal had committed suicide on 04.05.2020 and he was running a Flour Mill. Allegedly the petitioner had agreed to sell his shop for an amount of Rs. 12,25,000/- and the husband of the complainant had agreed to pay the amount in installments in 2 years. An amount of Rs. 6,10,000/- was given to the petitioner on 24.07.2018 and

allegedly the petitioner had signed the same in the notebook.

Learned counsel for the petitioner argued that the dispute, if any, was a money dispute between the deceased and the petitioner and after the death of the aforesaid Tarsem, he has already paid an amount of Rs. 2,00,000/- to the complainant and so far as the remaining amount is concerned, he neither has any amount with him and nor does he admit any liability. He further submitted that this Court vide order dated 20.07.2021 had granted interim bail to the petitioner and in pursuance of the aforesaid order, the petitioner has already joined investigation and he has cooperated with the investigation process. He further submitted on instructions that the petitioner is ready and willing to further cooperate with the investigation process as and when he is called by the police.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab on instructions from ASI Raghbir Singh has submitted that in pursuance of the order passed by this Court on 20.07.2021 the petitioner has already joined investigation. He further submitted that however the remaining disputed amount has not been recovered from the petitioner nor he has paid to the complainant.

Mr. S.N. Chopra, learned counsel appearing on behalf of the complainant has submitted that the husband of the complainant died by committing suicide since he was to take an amount of approximately Rs. 10,00,000/- from the petitioner out of which he himself admitted at the Bhog Ceremony that he is liable to pay Rs. 5,00,000/-. He further submitted that it is correct that the complainant has received an amount of Rs. 2,00,000/- but the remaining amount has not been received and, therefore, opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

This Court vide order dated 20.07.2021 had granted interim bail to the petitioner subject to his joining of the investigation. Learned Deputy Advocate General, Punjab has stated that in pursuance of the aforesaid order, the petitioner has already joined investigation. The only objection which has been raised by both the learned State counsel as well as the learned counsel for the complainant is that although an amount of Rs. 2,00,000/- has been paid by the petitioner to the complainant but the remaining amount of Rs. 3,00,000/- is yet to be recovered. The present is a petition for grant of anticipatory bail. The petitioner has already joined investigation. The recovery of the amount, if any, cannot become a ground for denial of anticipatory bail to the petitioner. The petitioner has also undertaken before this Court today on instructions that in future also the petitioner will cooperate with the investigation process.

In view of the aforesaid facts and circumstances, the present petition is allowed. The order dated 20.07.2021 is hereby made absolute.

05.07.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No