

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-23170-2022

Date of decision : 20.07.2022

Malagar Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Amit Arora, Advocate  
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.44 dated 08.04.2022 registered under Section 174-A IPC at Police Station Sirhali, District Tarn Taran.

On 26.05.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner inter alia contends that in the present case, the petitioner was not aware about the proceedings under Section 138 of the Negotiable Instruments Act, 1881 which were initiated by respondent No.2-Bank with respect to dishonour of cheque of an amount of Rs.1,85,000/- and has submitted that the moment, the petitioner learnt about the same, the petitioner has paid the money and the Branch Manager of respondent No.2-Bank had issued a letter dated 12.02.2021, in which, it has been stated that the petitioner had cleared the outstanding loan and the case under Section 138 of the Negotiable Instruments Act, 1881, is to be withdrawn. It is contended that the petitioner is an Ex-Servicemen and is a poor agriculturist and is also permanently disabled to the extent of 60%.*

*Notice of motion for 20.07.2022.*

*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.*

**26.05.2022”**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation on 07.06.2022 and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 26.05.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 26.05.2022 is made absolute.

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 petition.

**(VIKAS BAHL)**  
**JUDGE**

**July 20, 2022**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No