

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29468-2022

Date of Decision: 01.09.2022

Amarjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gobind Singh Advocate,
for the petitioner.

Mr. Dhruv Sihag, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 051, dated 19.05.2022, under Section 420 read with Section 120-B of the IPC, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

On 13.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that with respect to dishonour of the cheque, the complainant has also filed complaint under Section 138 of the Negotiable Instruments Act, 1881 and has further submitted that the petitioner had borrowed an amount of Rs.2 lacs alongwith interest @ 2% p.a. from the complainant and he had given the cheque as a security cheque. It is further contended that in order to show his bona fide, the petitioner is ready to give an amount of Rs.2,20,000/- to the complainant without admitting his liability.

Notice of motion for 01.09.2022.

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 prepare demand draft of Rs.2,20,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of one month from today, who shall further handover the same to the complainant after taking receipt of the same.

It is made clear that in case, the demand draft of Rs.2,20,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of one month from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.2,20,000/- would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)

13.07.2022”

JUDGE

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation and has handed over a demand draft of Rs. 2,20,000/- in the name of the complainant.

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

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 13.07.2022 and also the fact that the petitioner has joined the investigation and is not

required for further custodial interrogation, the present petition is allowed and the interim order dated 13.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 01, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No