

S.No.205

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44319 of 2021 (O&M)

Date of Decision:13.01.2022

Sandeep Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Puja Chopra, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. L.S. Lakhanpal, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J.

This is first petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case bearing FIR No.223, dated 22.08.2021 registered under Sections 406, 420, 201, 120-B IPC at Police Station Phillaur, District Jalandhar Rural.

On 22.10.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners, inter-alia, contends that in the present case, the alleged renting out of the combine, agricultural tools and two motorcycles was done in the year 2013 and the present FIR has been registered after a delay of 08 years, primarily to recover the rent. It is further submitted that a proceeding under Section 138 of the Negotiable Instruments Act with respect to the dishonour of a

cheque amounting to Rs.10,62,000/- has already been initiated by the complainant against petitioner No.1.

Notice of motion.

Mr. Saurav Khurana, learned DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 13.01.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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 .”

Learned counsel for the petitioners and the State Counsel on instructions from ASI Desraj, submit that the petitioners have joined the investigation on 30.12.2021 and recovery of one hydrolic pump, two shafts and one jack has been effected and thus, are not required for further investigation.

Learned counsel for the complainant, on the other hand, opposed the present petition for grant of anticipatory bail to the petitioners.

Keeping in view the facts as noticed in the order dated 22.10.2021 and also the fact that the petitioners have joined the investigation and are not further required for investigation, the present petition is allowed and the interim order dated 22.10.2021 is 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 petition. .

January 13, 2022

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(VIKAS BAHL)

JUDGE

Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No