

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 207
(Heard through Video-Conferencing)

CRM-M No.45617 of 2021
Date of Decision: 22.03.2022

Ramesh Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. R.S. Thind, D.A.G., Punjab.

Mr. Devpreet Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Reply by way of affidavit of Vaibhav Sehgal, Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka, has been filed, which is taken on record.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in the criminal case arising out of the FIR bearing No.56 dated 10.04.2020, registered at Police Station City Jalalabad, District Fazilka, under Sections 406, 420 and 120-B IPC.

It has been submitted by learned counsel for the petitioner that this Court while issuing notice of motion on 01.11.2021 had granted interim bail to the petitioner and in pursuance of the said order, the petitioner has joined the investigation and has cooperated with the investigation process

and has prayed that the order dated 01.11.2021 may be confirmed. He

further submitted that even as per the FIR, the dispute pertains to be civil in nature and it has been alleged in the FIR that the petitioner on the pretext of getting some loan sanctioned in favour of the complainant, had taken an amount of Rs.11,000/- and thereafter, amount of Rs.2,50,000/- was also given in cash. He submitted that the allegations are not supported by any material record and the same are totally vague in nature and even otherwise also the petitioner has also joined the investigation and is fully cooperating with the investigation process and therefore, he may be granted the benefit of anticipatory bail.

Learned State counsel states that in pursuance of the order passed by this Court on 01.11.2021, the petitioner has already joined the investigation. He has, however, raised an objection that there is no recovery of amount from the petitioner.

Mr. Devpreet Singh, Advocate, has also joined the proceedings as a counsel for the complainant and has submitted that the petitioner has cheated the complainant and therefore, he does not deserve the concession of anticipatory bail. The petitioner also arrived at a compromise with the complainant but resiled from the same.

I have heard learned counsel for the parties.

In pursuance of the order passed on 01.11.2021, the petitioner has joined the investigation and as per the learned State counsel, the only objection raised by him is with regard to the non-recovery of money. Learned counsel for the petitioner has submitted that the allegations itself are vague and false and it is yet to be proved as to whether the petitioner has taken any cash from the complainant or not. It is settled law that the grant of bail cannot be denied merely on the ground of recovery of money.

Therefore the objection taken by the learned State counsel with regard to the recovery of money is not sustainable. Therefore, I deem it fit and proper to grant anticipatory bail to the petitioner. Consequently, the present petition is allowed and order dated 01.11.2021 is, hereby, made absolute.

22.03.2022
monika

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No