

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

CRM-M-54645-2021 (O&M)

Date of decision: 01.02.2022

Kulwat Kumar @ Kulwant Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Dr. (Mr.) Rau P.S. Girwar, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 102 dated 18.10.2021, registered under Section 420 and 120-B IPC, at Police Station Cantt. Bathinda, District Bathinda.

Vide order dated 30.12.2021 passed by a Coordinate Bench, *ad interim* anticipatory bail was granted to the petitioner.

Learned counsel for the petitioner submits that pursuant to the aforesaid order dated 30.12.2021, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jasbir Singh, submits that though the petitioner has joined the investigation, yet the cheque amount is still to be recovered.

I have heard the learned counsel for the parties.

This Court will not allow the Investigating Agency to become a recovery agent.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 30.12.2021 granting *ad interim* anticipatory bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

01.02.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No