

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

CRM-M-53900-2021

Date of decision : 27.04.2022

Pawan Lubana

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ankit Rana, Advocate, for the petitioner.
 Ms.Gunkirat Kaur, AAG, Punjab.
 Mr.Arn timer Sood, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.281 dated 07.12.2021 registered under Sections 376, 506 IPC and Section 67 of the Information Technology Act, 2000 at Police Station Model Town, District Hoshiarpur.

On 22.12.2021 this Court had passed the following order: -

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No. 281 dated 07.12.2021 under Sections 376, 506 IPC and Section 67 of the Information Technology Act, 2000 registered at Police Station Model Town, District Hoshiarpur.

Learned counsel inter alia contends that it is a case of consensual relationship between the petitioner and the prosecutrix. The prosecutrix had borrowed money in the sum of Rs.07 lakhs for the construction of her house from the petitioner and had given post-dated cheques to the petitioner. However, subsequently when the cheques were presented by the petitioner they were dishonored on account of insufficiency of funds. Learned counsel in support of his contention has drawn the attention of this court to Annexures P3 and P4. He has further drawn the attention of this court to Annexure P5 which is WhatsApp chat between the petitioner and the prosecutrix wherein not only the consensual relationship between the parties stands reflected but also the factum of the prosecutrix having borrowed money from the petitioner stands reflected. Learned counsel submits that since the petitioner had filed a complaint under Section 138 of the Negotiable Instruments Act against the prosecutrix, she for reasons but obvious had planted a false case against him. Learned counsel further submits that the delay of 04 years in the lodging of the FIR in question from the date of the alleged occurrence further lends credence to a concocted version having been brought forth in the FIR in question.

Notice of motion for 27.04.2022.

At this stage, Mr. Arn timer Sood, Advocate, has put in appearance on behalf of the complainant and filed his Power of Attorney. The same is taken on record.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined the investigation; has cooperated with the investigating agency and that his custodial interrogation is not required by the State.

In the light of the reasons stated in the afore quoted order as also the statement made on behalf of the State, the order of this Court dated 22.12.2021, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

27.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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