

CRM-M-44844-2019 (O&M)

Through video conference
201

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

CRM-M-44844-2019 (O&M).
Decided on: March 8, 2022.

Abhishek Kumar

.. Petitioner

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rishav Jain, Advocate,
for the petitioner.**

Mr.C.L.Pawar, Sr. DAG, Punjab.

**Mr.Vivek Suri, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.130 dated 3.8.2019, under Sections 406 and 420 IPC, registered at Police Station Anaj Mandi, District Patiala.

CRM-M-44844-2019 (O&M)

Learned counsel for the petitioner has submitted that in the present case this Court had issued notice on 22.10.2019 and interim bail was also granted to the petitioner on that date. He submitted that the petitioner has joined the investigation and has fully cooperated with the investigation process and therefore, aforesaid order may be affirmed. He submitted that even otherwise also, the subject matter pertains to some financial dispute between two rice shellers i.e. the petitioner and complainant-respondent No.2 and it was only a civil dispute which has been given a criminal flavour. He submitted that none of the parties had filed any civil suit and recovery of money cannot be undertaken through the process of police. He submitted that the petitioner was also involved in four other FIRs and those cases were also planted upon the petitioner and he is on bail in one case and would not affect the merits of the case.

On the other hand, learned State counsel, on instructions from ASI Rajinder Kumar, has submitted that in pursuance of the order dated 22.10.2019, the petitioner has joined the investigation and has fully cooperated with the investigation process. He submitted that it was a case of money dispute between two rice shellers and no recovery has been made in the present case.

Learned counsel for the complainant has submitted that the petitioner is involved in 4 more FIRs pertaining to cheating and he is also involved in number of other cases under Section 138 of the Negotiable Instruments Act and therefore, the petitioner does not deserve the

CRM-M-44844-2019 (O&M)

concession of anticipatory bail.

Replying to the above contention raised by the learned counsel for the complainant, it was submitted by the learned counsel for the petitioner that so far as other FIRs against the petitioner are concerned, in two cases, the FIRs have already been quashed by this Court and in one FIR, the petitioner is already on bail and so far as cases under Section 138 of the Negotiable Instruments Act, are concerned, the same cannot become a ground for denial of anticipatory bail to the petitioner particularly in view of the fact that present case pertains to a pure financial dispute between the parties. He submitted that the petitioner has joined investigation and has fully cooperated with the investigation process and the entire case is based upon documentary evidence and therefore, the present petition be allowed.

I have heard the learned counsel for the parties.

Petitioner was granted interim bail by this Court vide order dated 22.10.2019, and in pursuance of said interim order, as per the learned State counsel, he has joined the investigation and has fully cooperated with the investigation process. The subject matter of the case pertains to financial dispute between the parties and is based upon documentary evidence. The pendency of one more FIR against the petitioner in which the petitioner is on bail and some other cases under Section 138 of the Negotiable Instruments Act, cannot become a ground for denial of anticipatory bail to the petitioner.

Therefore, considering the aforesaid facts and

CRM-M-44844-2019 (O&M)

circumstances of the present case, this Court deems it fit and proper to grant the concession of anticipatory bail to the petitioner. Consequently, the present petition is allowed. Interim order date 22.10.2019 vide which the petitioner was granted interim bail, is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

March 8, 2022	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No