

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

204

CRM-M-54681-2019 (O&M)

Date of Decision: 25.04.2022

Megjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Sharma, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab,
assisted by ASI Chachal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0189 dated 11.08.2019 at Police Station Beas, District Amritsar Rural, under Sections 420/409/120-B/34 IPC.
2. At the time of issuance of notice of motion on 20.12.2019, the following order was passed:

“Petitioner prays for grant of pre-arrest bail in FIR No. 189 dated 11.8.2019 registered under Sections 420, 409, 120-B, 34 IPC at Police Station Beas, District Amritsar Rural.

Learned senior counsel appearing for the petitioner contends that petitioner had carried out interior works in the Hotel owned by the complainant i.e Radisson Hotel, Amritsar and raised invoice for an amount of Rs.1,37,000,00/-. Some payment was made by the complainant, however, for the remaining payment, three cheques for a total amount of Rs.75 lacs were given to the petitioner, which on

presentation were dishonoured, forcing the petitioner to initiate proceedings under Section 138 of the Negotiable Instruments Act, 1881. Due to amendment in the Negotiable Instruments Act of 1881, the proceedings were transferred to Delhi.

During the pendency of the proceedings under Section 138 of the Negotiable Instruments Act, 1881, a settlement was arrived at, according to which the first informant was to transfer two plots measuring 220 square yards each in favour of the petitioner towards full and final settlement of the claim. He further submits that now the allegations are that the aforesaid settlement is not being honoured by the petitioner. He contends that petitioner is ready to abide by the aforesaid settlement. He further contends that offence as alleged is not made out against the petitioner.

It has been noticed that petitioner on being apprehended was granted transit bail by the Delhi Court for a period of two days. Thereafter, the petitioner applied for pre-arrest bail before the Court of Additional Sessions Judge, Amritsar which was dismissed on the ground that it was not maintainable. He further submits that the view of the learned Additional Sessions Judge, Amritsar is erroneous as the petitioner had only got transit bail enabling the petitioner to avail the remedy available. He submits that grant of transit bail would not amount to surrender before the Court.

Notice of motion.

On the asking of Court, Mr. Hittan Nehra, Addl. AG, Punjab who is present in Court accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Let a copy of the petition be supplied to the learned counsel for the State during the course of the day.

Adjourned to 15.1.2020.

Let petitioner take steps for completion of service upon respondent No.2 for the date fixed.

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

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and his custodial interrogation is not required and otherwise has a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 20.12.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.04.2022

VY

**(GURVINDER SINGH GILL)
JUDGE**

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