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

CRM-M-29758-2023 (O&M)

Date of Decision: 06.07.2023

SATPAL

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldeep Sanwal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. R.K. Arya, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.74 dated 17.05.2023 registered under Section 420 IPC, 1860 at Police Station Division No.2, Pathankot, who apprehends his arrest at the hands of Police.

On 06.06.2023, this Court had passed the following order:

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 74 dated 17.05.2023, under Section 420 of IPC, registered at Police Station Division No. 2, Pathankot.

Learned counsel for the petitioner inter alia contends that petitioner has borrowed a sum of Rs. 9.29 lakhs during January' 2019 to March' 2020 from the complainant. The petitioner has returned a sum of Rs.1,00,000/- on 02.12.2019. The complainant has filed complaint under Section 138 of the Negotiable Instruments Act, 1881 on account of dishonour of cheque tendered by petitioner to complainant. The complainant in April' 2022 moved complaint to police with respect to transactions made during January' 2019 to March' 2020 and FIR came to be registered in May' 2023. It is a pure commercial transaction having no criminal ingredients, thus, FIR has been wrongly registered, however, petitioner is ready to pay a sum of Rs. 2,00,000/- within two weeks from today to

show his bona fide. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 06.07.2023.

On the asking of Court, Mr. Shiva Khurmi, AAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Mr. R.K.Arya, Advocate, has filed Memorandum of Appearance on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place.

*Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565**, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 21.06.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

The petitioner as undertaken shall pay a sum of Rs. 2,00,000/- to complainant within two weeks."

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation. He further states that in compliance of the above order, the requisite amount of Rs.2 lacs has been paid to the

complainant.

Learned State counsel, who is instructed by ASI Naresh Kumar states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 06.06.2023 is made absolute. However, it is ordered that the amount deposited by the accused/petitioner is subject to the final decision of the case and in case the trial ends in acquittal of the petitioner, the amount shall be returned by the complainant forthwith.

06.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No