

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

219

2023:PHHC:089952

CRM-M-29482-2023

Date of decision: July 18th, 2023

Sher Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Kumar Kachura, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Vikrant Vij, Advocate
for Mr. Kuldeep Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.91 dated 20.05.2022 under Sections 420 and 506 of the Indian Penal Code, 1860, registered at Police Station Vairoke, District Fazilka.

Vide order dated 05.06.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that it is a matter of record that there was a dispute pending between the parties and the petitioner had instituted a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the son of the complainant. Learned counsel submits that even otherwise totally false allegations have been levelled against him of having received ₹1,75,000/- on the

pretext of providing a job to the daughter of the complainant.”

Learned counsel for the petitioner submits that in compliance of order dated 05.06.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned counsel appearing for the complainant has opposed the submissions made by the counsel opposite by submitting that there are serious allegations against the petitioner as there is another case pending between the parties under Section 138 of the Negotiable Instruments Act.

Learned State counsel, on instructions from ASI Mohinder Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 05.06.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

July 18th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No