

CRM-M-30973-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

CRM-M-30973-2023

Date of Decision:- 03.07.2023

Harminder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Arun Gupta, Assistant Advocate General, Punjab for State.

...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 439 (2) of the Code of Criminal Procedure, 1973 for setting aside of order dated 24.05.2023, Annexure P-6, passed by learned Additional Sessions Judge, District Shaheed Bhagat Singh Nagar, in FIR No. 28 dated 07.04.2023, lodged for offences under Sections 406 and 420, IPC, at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar, Annexure P-1, whereby, anticipatory bail was granted to respondent No.2.

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the complaint of Harminder Singh (present petitioner), wherein, he stated that on 21.12.2019, Ranjit Singh (accused-respondent No.2) had borrowed Rs.2.5 lacs from him through a cheque for purchase of a tractor. He took another amount of Rs.1 lac for giving to his relatives. On 18.10.2021, he

again took Rs.8 lacs from the petitioner for preparing J Forms for his crop on his name, which he did not do. Complainant had given his land on lease to Ranjit Singh, but he did not pay the lease amount of Rs.2.85 lacs. An amount of Rs.50,000/- had been taken by his brother for going abroad, and another amount of Rs.10,000/- was taken for purchase of LCD. When the complainant demanded the money back, Ranjit Singh sought time, but did not return the amount. Whenever, complainant insisted on the repayment, Ranjit Singh entered into an altercation with him. With the intervention of the respectables, a compromise was effected on 18.05.2022 and Ranjit Singh undertook to swear in the name of his son in the Gurdwara Sahib, but he backed out and never came to the Gurdwara Sahib on the agreed day. Complainant has requested that despite the fact that he had even moved an application to the Senior Superintendent of Police, Nawanshahar, he is not satisfied with the inquiry conducted.

3. Counsel for the complainant-petitioner has argued that by impugned order, Annexure P-6, accused has been released on anticipatory bail, but neither the impugned order is supported by any reasons nor has the accused been directed to join the investigation. Still further, it is his submission that the impugned order being perverse deserves to be quashed. He has placed reliance upon the judgment of the Apex Court in *State of Kerala Versus Mahesh (2021) 14 SCC 86*.

4. Per contra, learned State counsel, upon instructions from ASI, Vijay Sharma, submits that pursuant to the interim protection granted by the learned Additional Sessions Judge, accused has joined the investigation, co-operated with the Investigating Agency and is not required for custodial interrogation.

5. I have heard counsel for the parties and considered their respective submissions.

6. The arguments raised by the counsel for the complainant-petitioner deserve to be noticed and rejected. An order granting anticipatory bail is not required to be supported by any reasoning. Power to grant or decline bail is a discretionary power, which has to be exercised judicially. Nothing could be pointed out by the counsel for the complainant-petitioner as to how the discretion has not been properly exercised. Still further, interim protection was granted to the accused-respondent No.2 subject to the satisfaction of the conditions laid down under Section 438 (2) of the Court. Respondent No.2 has appeared and co-operated with the Investigating Agency. As per the instructions of the State Counsel, he is no longer required for custodial interrogation. Although counsel for the complainant-petitioner submits that the impugned order deserves to be quashed, but that is not the scope of the instant petition as it has been filed under Section 439(2), Cr.P.C.

7. In view of the above, there is no merit in the petition, which is hereby dismissed.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

03.07.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes