

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

215

2023:PHHC:157961

CRM-M-31253-2023

Date of decision: December 11th, 2023

Nitish Malhotra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

Mr. Arjun Veer Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.50 dated 09.06.2023 under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Division 3, District Ludhiana.

Vide order dated 04.07.2023, 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 contends that as per accusation in the FIR itself, there has been multiple transactions of advancement of loan by complainant to the accused and against the total outstanding of Rs.74.00 lacs, the petitioner had issued several cheques, which, on presentation were dishonoured. He further submits that a complaint case in respect of the dishonoured cheques filed by the complainant is pending adjudication and besides this, other litigation between the parties is also

pending. According to him, in the given facts, the custodial interrogation of the petitioner may not be necessary.”

Learned counsel for the petitioner submits that in compliance of order dated 04.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Jaswant 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 04.07.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

December 11th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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