

CRM-M-45675-2021
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**204/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 16.02.2023

1. CRM-M-45675-2021
MAHINDER SINGH ... PETITIONER
STATE OF PUNJAB V/S ... RESPONDENT
2. CRM-M-46482-2021
DAYAL SINGH ... PETITIONER
STATE OF PUNJAB V/S ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. C.M.Munjal, Advocate for the petitioners.
Mr. M.S.Nagra, AAG Punjab.
Mr. Rajinder Singh Bhatta, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

In CRM-M-45675-2021, on 01.11.2021, the Co-ordinate Bench
of this Court had passed the following order:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.216 dated 2.10.2021 at Police Station City Jalalabad, District Fazilka under Sections 420, 406 and 120-B of Indian Penal Code.

As per the FIR, the complainant's husband Surinder Pal Kapoor and Dayal Singh were partners in two firms namely 'M/s K.K. Traders' and 'M/s Bag Singh Mahinder Singh'. It is alleged that the affairs of both the firms, however, were being managed by Dayal Singh and his father Mahinder Singh. While accounts were being looked after by Dayal Singh, rest of the affairs of both the companies were being managed by Mahinder Singh. It is alleged that in both the firms complainant's husband and Dayal Singh were partners to the extent of 50%. It is further stated therein that because of the mutual trust even the phone numbers furnished in the bank accounts of both the firms were of Dayal Singh and on account of the trust the complainant's husband had even given

two blank cheques to Dayal Singh for running the business. The complainant alleges that when her husband demanded the details of accounts, a dispute was raised and an amount of `11 was actually found due to be paid to the complainant. It is further alleged that the accused even misused one of the two blank cheques, which had been given by complainant's husband.

Learned counsel for the petitioner has submitted that the FIR been lodged on the basis of incorrect facts and that 'M/s K.K. Traders' is a sole proprietorship firm of complainant's husband. It has further been submitted that infact the petitioner had advanced some loan to the complainant's husband and when complainant's husband issued cheques for repayment of the said loan, the same were dishonoured leading to issuance of a notice under Section 138 of Negotiable Instruments Act. However, since the complainant's husband died, therefore, the petitioner filed a suit for recovery in the year 2020 and subsequently, now, as a counterblast the instant FIR i.e. FIR No.216 dated 2.10.2021 has been lodged. Learned counsel for the petitioner has further submitted that, in any case, even if all the allegations are taken to be correct, it is at best a case of settlement of accounts and the matter is civil in nature.

Notice of motion for **28.2.2022**.

At this stage, Mr. Rajinder Singh Bhatia, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

Meanwhile, in the event of arrest, the petitioner be released on *interim* bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C."

In CRM-M-46482-2021, on 03.11.2021, the Co-ordinate Bench of this Court had passed the following order:

"Notice of motion for **28.2.2022**.

At this Stage, Mr. Rajinder Singh Bhatta, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall

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abide by the conditions as provided under Section 438(2)
Cr.P.C. ”

Short reply by way of affidavit of Atul Soni, Deputy
Superintendent of Police, Sub Division Jalalabad, on behalf of the State has
been taken on record.

Learned counsel for the petitioners contend that in pursuance of
the interim directions, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Jagdish Lal,
has not disputed the aforesaid factual aspect and further submitted that the
custodial interrogation of the petitioners is not required.

Considering above, the petitions are allowed and the interim
bail granted by this Court vide order dated 01.11.2021 in CRM-M-45675-
2021 and vide order dated 03.11.2021 in CRM-M-46482-2021 is made
absolute.

16.02.2023
Janki

(VIVEK PURI)
JUDGE

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