

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

CRM-M-52589-2022(O&M)

Date of Decision:-24.05.2023

Prem Kumar.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Sharma, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Rajiv Joshi, Advocate for the respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

CRM-13092-2023

Allowed as prayed for.

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Allowed as prayed for.

Annexure A-1 to A-3 are taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-52589-2022

The prayer in this petition under Section 439 (2) Cr.PC is for cancellation of anticipatory bail granted to the respondent no.2-Mukhtiar Singh vide order dated 30.09.2022 passed by Additional Sessions Judge, Jalandhar in case FIR No.75 dated 19.07.2022 under Section 406, 420, 467, 468, 471, 120-B IPC registered at Police Station Bilga, District Jalandhar.

2. The Counsel for the petitioner contends that as serious allegations have been levelled against the respondent no.2-Mukhtiar Singh and his co-accused Makhan Singh, the anticipatory bail granted to respondent o.2 ought to be cancelled as the lower Court had failed to

consider the statement made by ASI Buta Ram that an amount of Rs.6,50,000/- had to be recovered from Makhan Singh.

3. The Counsel for the respondent no.2 on the other hand contends that the proceeding under Section 438 Cr.PC cannot be used to recover money allegedly defalcated by an accused. He contends that no case for custodial interrogation is made out more so when Makhan Singh has been granted the concession of anticipatory bail by this Court vide order dated 16.02.2023.

4. The Counsel for the State on the other hand contends that the investigation is complete, challan is prepared and be filed in Court. As the respondent no.2 and Makhan Singh have joined investigation, had co-operated with the same, no case for custodial interrogation was made out and therefore, the present petition may be dismissed.

5. I have heard learned Counsel for the parties.

6. Admittedly, Makhan Singh one of the main accused has been granted the concession of anticipatory bail. The proceedings under Section 438 Cr.PC cannot be used to recover money as is settled by Hon’ble Supreme Court and therefore, no case is made out for cancellation of bail already granted to respondent no.2 vide impugned order dated 30.09.2022.

7. Finding no merit in the present petition, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 24, 2023
Vinay

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