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CRM-M-1585-2024

Neutral Citation No.2024:PHHC:050849

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

CRM-M-1585-2024

Date of decision: 16.04.2024

ISHWINDER CHEEMA

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Shailender Kashyap, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Ms. Aarushi Garg, Advocate for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
44	21.06.2022	406, 420, 120-B (Sections 465, 467, 468, 471 IPC added later on)	Hathur, District Ludhiana Rural

2. Learned counsel for the petitioner submits that in compliance to the order dated 12.01.2024, the petitioner has joined the investigation.

3. During the course of hearing on 12.01.2024, following order had been passed: -

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner had been working as a Branch Manager in the then Corporation Bank which has extended loan facility to the proprietorship firm in the name of the co-accused, namely Tarsem Singh, who

happens to be the son-in-law of the complainant. He further contends that earlier the said Tarsem Singh and the complainant were in partnership and the constitution thereof was later on changed to proprietorship firm. The petitioner while working as a Branch Manager had acted in accordance with the rules and regulations of the Bank and had disbursed the amount after getting the guarantee deed duly executed on the basis of sanction dated 21.12.2019 (Annexure P-6).

3. Learned counsel for the petitioner contends that name of the petitioner never figured in the FIR and it happened to be a family dispute inter se the complainant and the said Tarsem Singh. He further contends that FIR in question was registered way back on 21.06.2022 and now the petitioner has been allegedly nominated in the present case without there being any role on his part to attract the criminal liability.

4. Notice of motion.

5. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

6. Adjourned to 01.02.2024.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

4. Learned State counsel on instructions from ASI Gurwinder Singh informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation

consequent to the order dated 12.01.2024 passed by this Court, interim bail granted vide order dated 12.01.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.04.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |