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

CRM-M-6243-2024

Date of Decision: 14.03.2024

Yadwinder Singh alias Yaad

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Upender Prashar, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.26 dated 11.02.2023 registered under Sections 420, 406, 120-B of IPC, at Police Station Cantonment, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner contends that the petitioner and the complainant had jointly set up a business of sale and purchase of old cars and were partners in the said business. He further submits that during the said period, certain amounts were exchanged between the parties and the FIR has been wrongly registered in the present case. He further contends that in fact, it is a civil dispute and the FIR has been wrongly registered under Section 420 IPC.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by

learned counsel for the petitioner. Learned State counsel submits that the petitioner has already been ordered to be declared as a proclaimed person in a complaint case under Section 138 of the Negotiable Instruments Act. He further contends that one FIR under Section 174-A IPC has also been ordered to be registered against the present petitioner.

4. In reply to the submissions made by learned State counsel, learned counsel for the petitioner contends that the petitioner has already moved an application before the trial Court in the complaint under Section 138 of the Negotiable Instruments Act and in the said case, he has been wrongly declared as a proclaimed person, without following the due process of law.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 29.10.2023 and is in custody for the last more than 04 months and 14 days. All the offences are triable by the Court of Magistrate and the final report under Section 173 Cr.P.C. has already been presented before the competent Court.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

14.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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