IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102 **CRM-M-28156-2024**
Date of Decision : August 13, 2024

DILBAG SINGH **-PETITIONER**

V/S

STATE OF PUNJAB AND ANOTHER **-RESPONDENT**

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Satnam Singh Thakur, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

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KULDEEP TIWARI, J. (ORAL)

1. On 30.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

> *"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.58 dated 05.04.2024, under Sections 420, 406 of the IPC, registered at P.S. Mahilpur, District Hoshiarpur.*
>
> *2. The learned counsel for the petitioner submits that, no offence whatsoever is made out against the petitioner, inasmuch as, the money which he had received from the complainant, has already been returned by him to the complainant, as is evident from the FIR itself. Insofar as the dishonoured cheque is concerned, it was issued to the complainant by co-accused Satnam Singh.*
>
> *3. Notice of motion for 31.07.2024.*
>
> *4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent No.1-State of Punjab.*
>
> *5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the*

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satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

2. Today, the learned State counsel has, on instructions imparted to him by A.S.I. Daljeet Singh, stated that pursuant to the making of the hereinabove extracted order, although the petitioner joined the investigation, however, he did not cooperate with the investigating officer, inasmuch as, he did not get recovered the amount, which was transferred by the complainant in his account and which he further transferred in the account of co-accused, who is still absconding.

3. This Court has considered the submissions made by the learned State counsel. In the case at hand, it was co-accused Satnam Singh, who had issued a cheque of ₹ 3,54,000/- in favour of the complainant, which was dishonoured by the bank concerned. Moreover, even otherwise, criminal proceedings cannot be used as a tool to recover disputed sums of money, and/or, cannot be converted into a suit for recovery. Therefore, when the petitioner has joined the investigation, the hereinabove extracted interim order dated 30.05.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

"(i) the petitioner shall not commit an offence similar to the present offence;

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner shall make himself available for interrogation by a police officer as and when required."

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to

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the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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