

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-51505 of 2023(O&M)
Date of Decision: 11.01.2024

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. H.S. Sidhu, Advocate
For the petitioner.

Mr. G.S. Sidhu, AAG Punjab.

Mr. Amit Arora, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking grant of anticipatory bail in criminal case having FIR No. 267 dated 02.09.2023, registered under Sections 419 and 420 IPC read with Section 120-B IPC at Police Station City Tarn Taran.
2. The allegations against the petitioner and other accused are that they approached complainant, owner of Cheema Agro Tractor Agency for purchase of new tractor worth Rs.9,35,000/- and they handed over one old tractor worth Rs.2,35,000/- to the complainant and took possession of new tractor from complainant by giving assurance that they would make the payment of balance amount in next few days. However, lateron the accused persons failed to repay the balance sale consideration.

3. On the last date of hearing, the petitioner was granted interim bail by this Court with direction to join the investigation with the police. Today, the counsel appearing on behalf of the petitioner informed the Court that in compliance of the aforesaid order, petitioner joined the investigation with the police.

4. The counsel appearing on behalf of the complainant while resisting the present petition submits that the petitioner and other accused committed fraud with the complainant.

5. Today, short reply by way of affidavit of Tarsem Masih, Deputy Superintendent of Police, Sub Division Tarn Taran filed on behalf of the State is taken on record. The State counsel, on instructions from ASI Sawinder Singh apprised the Court that the petitioner who has joined the investigation is not required by the police for any further investigation or custodial interrogation. The State counsel further informed the Court that the new tractor which was purchased by the accused persons by way of fraud from the complainant, was recovered from possession of co-accused Harpal Singh and has been handed over to the complainant and that old tractor which was given by the accused persons is also lying parked in the agency of the complainant.

6. In light of the above, as the recovery of the new tractor which was purchased by the accused persons by committing fraud, is effected and its possession has been restored to the complainant, no purpose is going to be served by sending the petitioner to police custody at this point of time. Further, the petitioner is not required by the police for any further investigation.

7. Consequently, without commenting on the merits of the case the present petition is allowed and order of interim bail dated 11.10.2023 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

11.01.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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