



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

101

**CRM-M-45970-2024
Date of decision: 19.05.2025**

HARWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Gourav Goel, Advocate
for the petitioner (Through VC).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Nimanyu Gautam, Advocate for respondent No.2.

SANJAY VASHISTH. J.(Oral)

1. The prayer in this petition filed for setting aside the order dated 30.07.2024 (Annexure P-3) passed by Ld. ASJ, Ludhiana whereby anticipatory bail has been granted to respondent No.2 in case bearing FIR No.41 dated 10.05.2024 under Sections 420/120-B of IPC, 1860 and Section 24 of Immigration Act, registered at Police Station Jodhewal, District Police Commissionerate Ludhiana (Annexure P-1).

2. While arguing the matter before the Court of Additional Sessions Judge, Ludhiana, petitioner-complainant was made to believe that the cheque which has been handed over to him, during the course of hearing, for an amount of Rs.6 lacs would be encashed, if presented before the bank. However, the said



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cheque bounced on its presentation.

3. By hearing the counsel for the petitioner, it appears that the anticipatory bail so far obtained by respondent No.2 by violating the conditions recorded, requires to be re-examined on filing of some application by the petitioner before the same Court, whereby, order dated 30.07.2024 has been passed by the learned Additional Sessions Judge, Ludhiana, which reads as under:-

*“Present: Ms. Gurbir Kaur Sehgal, Adv. For applicant/accused.
Sh. R.S. Chahal, Addl. PP for the State.
Sh. ND Chopra, Adv. For complainant.*

Order

Vide order dated 10.07.2024, the applicant was granted interim bail with directions to appear before the Investigating Officer and join the investigation and on making doing so, he was directed to be released on furnishing the bail bonds to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions mentioned in the order.

2. Today, ASI Gurmukh Singh has appeared on behalf of the investigating officer and suffered statement to the effect that as per record, the accused has joined the investigation. His custodial interrogation is not required.

3. The prayer of the applicant is opposed by counsel for the complainant by submitting that the applicant had produced photocopy of cheque for payment to the complainant, which shows his dishonest intention and also points out the guilt of the applicant, so he does not deserve concession of anticipatory bail. The applicant has admitted receipt of payment on record and is further ready to a compromise. Merely because the applicant is unable to pay the amount immediately, is no ground to reject his bail application. Custody cannot be used as a device to procure recovery. Under these circumstances, order dated 10.07.2024 passed by this court vide which accused/applicant was admitted on interim bail, is made absolute and stands confirmed. Thus, bail application is allowed. Applicant/ accused shall comply with the the conditions imposed in the abovesaid order.”

4. **Petition is disposed of**, with the observations that in case the petitioner/complainant moves an application for cancellation of the anticipatory bail, because of violation of the terms recorded or misrepresentation of the facts, same would be decided within a period of 01 week thereafter.

19.05.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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