
(2010) 03 P&H CK 0163
In the Punjab And Haryana At Chandigarh

Ashish Kumar Kundra, Krishan Kumar Kundra and Akhtiar Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 02-03-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 120B, 420

Citation : (2010) 03 P&H CK 0163

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Judgement

Ram Chand Gupta, J.—This order disposes of the aforementioned applications for anticipatory bail filed by Ashish Kumar Kundra i.e. CrI. Misc. No. M-1509 of 2010, by Krishan Kumar Kundra i.e. CrI. Misc. No. M-2412 of 2010 and by Akhtiar Singh i.e. CrI. Misc. No. M-2197 of 2010, u/s 438 of Cr.P.C. in FIR No. 5 dated 05.01.2010 under Sections 420/120B IPC, registered at P.S. Division No. 5, Ludhiana.

2. I have heard learned Counsel for the parties and have gone through the whole record.

3. This Court while issuing notice of motion on 19.01.2010 passed the following order in CrI. Misc. No. M-1509 of 2010:

Argues that dispute between the parties is of civil in nature as accused and complainant both were partners.

Notice of motion for 02.03.2010.

However, in the meantime, if the petitioner is arrested, he shall be released on interim bail by the Arresting Officer to the satisfaction of Arresting Officer subject to compliance of conditions specified u/s 438(2) Cr.P.C.

4. This Court while issuing notice of motion on 19.01.2010 passed the following

order in Crl. Misc. No. 2197 of 2010:

Argues that dispute between the parties is of civil in nature as present petitioner, complainant and other accused Ashish Kumar Kundra were partners. Further argues that similarly placed co-accused Ashish Kumar Kundra has been granted interim bail by this Court.

Notice of motion for 02.03.2010.

However, in the meantime, if the petitioner is arrested, he shall be released on interim bail by the Arresting Officer to the satisfaction of Arresting Officer subject to compliance of conditions specified u/s 438(2) Cr.P.C.

5. This Court while issuing notice of motion on 29.01.2010 passed the following order in Crl. Misc. No. M-2412 of 2010:

Argues that dispute between the parties is of civil in nature as accused and complainant both were partners.

Notice of motion for 02.03.2010.

However, in the meantime, if the petitioner is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C.

To be heard alongwith Crl. Misc. No. M-1509 of 2010.

6. It has been stated by Id. counsel for the petitioners that petitioners have already joined the investigation in pursuance of said orders dated 19.01.2010 and 29.01.2010 and that they are no more required for any interrogation.

7. It has also been stated by Id. counsel for the State, on instruction from S.I. Jarnail Singh, that petitioners have joined the investigation and that they are no more required for any custodial interrogation.

8. Bail applications of the petitioners have been opposed by the complainant.

9. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

10. Hence, in view of these facts and without expressing any opinion on the merits of the case, the anticipatory bail applications filed by Ashish Kumar Kundra, Krishan Kumar Kundra and Akhtiar Singh are accepted and interim orders dated 19.01.2010 and 29.01.2010, are hereby confirmed subject to compliance of conditions laid down in Section 438(2) Cr.P.C.

11. The present petitions stand disposed of accordingly.