
(2009) 03 P&H CK 0041

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-7207 of 2009

Naresh Kumar

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 27-03-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 406, 420

Citation : (2010) 1 RCR(Criminal) 318

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Advocate : Amit Dhawan, Nakul Sharma with Mr. Rajinder Bhatia and Mr. L.M. Gulati, for the Appellant; Anter Singh Brar, D.A.G., Punjab, for the Respondent

Final Decision : Allowed

Judgement

Kanwaljit Singh Ahluwalia, J.—Present petition has been filed u/s 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No. 50 dated 04.02.2009 registered at Police Station Division No. 4, Jalandhar under Sections 406, 420, 467, 468, 471, 120-B IPC.

2. On March 17, 2009 this Court had passed the following order :

Counsel has stated that petitioner was working as LIC Agent and was running a postal agency. Dev Raj Bhatia, father of the complaint, had purchased 17 different monthly schemes, details of which have been given in the petition.

It is stated that Dev Raj Bhatia had prematurely withdrawn the amount of 17 schemes, in which complainant was a joint account holder, and later had re-invested the amount in various other schemes and had made his three sons as joint account holder.

Counsel has relied upon Annexure P-4, inquiry held by the Senior Superintendent of Post Offices, Jalandhar, in which it was held that all monthly investment schemes, from which the amount was withdrawn, were of Joint "B" A/C type.

Therefore, the scheme could be closed by either of survivors, as per the departmental rules. Therefore, the signatures and consent of complainant was not necessary.

Counsel has stated that vide Annexure P-4, in the departmental proceedings, he has been absolved. Counsel has further stated that findings of Consumer Disputes Redressal Forum, Jalandhar are subject matter of appeal before State Consumer Redressal Commission, Punjab, wherein operation of the impugned judgment has been stayed.

Issue notice of motion for 27th March, 2009.

In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the arresting officer. However, petitioner shall join investigation as and when called for. Petitioner shall abide by the conditions specified u/s 438 (2) Cr.P.C.

At this stage, Mr. Nakul Sharma has caused appearance for the complainant.

3. Counsel for the State, on instructions from ASI Jagdish Kumar of Police Station Division No. 4, Jalandhar states that petitioner has joined the investigation and he is no longer required for further custodial interrogation.

4. Mr. Rajinder Bhatia along with Mr. L.M. Gulati and Mr. Nakul Sharma appearing for the complainant, has stated that ingredients of the offence are made out. Therefore, petitioner should be denied pre-arrest bail.

5. Since offence is based on documents, which will be examined by the trial Court, custodial interrogation of the petitioner is not required.

6. Therefore, present petition is allowed and interim bail granted to the petitioner vide order dated March 17, 2009 is made absolute till submission of report u/s 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.