
(2010) 09 P&H CK 0224

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-20932 of 2010(O&M) & Cri.
Miscellaneous No. M-20955 of 2010(O&M)

Vijay Kumar

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 22-09-2010

Acts Referred:

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

Citation : (2011) 5 RCR(Criminal) 38

Hon'ble Judges : Ram Chand Gupta, J

Advocate : P.S.Sekhon, Advocate, For the Respondent:- K.D.Sachdeva,
Addl.A.G., Punjab., Advocates for appearing Parties

Judgement

Ram Chand Gupta, J. (Oral)

1. Both the aforementioned petitions have been filed for anticipatory bail under Section 438 of Code of Criminal Procedure in FIR No.83 dated 22.05.2010 under Section 420 1PC, registered at Police Station Dhuri, District Sangrur.

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

3. This Court while issuing notice of motion in Crl.M.No.M20932 of 2010 on 29.07.2010 passed the following order:

? Crl.M.No.38153 of 2010

Application is allowed subject to all just exceptions.

Crl.M.No. 38154 of 2010

Requests for placing on record the complete translated copy of FIR as Annexure P/4. The same is taken on record subject to all just exceptions.

CRM stands disposed of. Crl.M.No. 37021 of 2010

Application is allowed subject to all just exceptions.

Crl M.No.M20932 of 2010

Argues that dispute between the parties is civil in nature as father of the present petitioner, Kimat Rai has borrowed Rs. 1,00,000 from Kamaljit Singh, complainant and pronote was executed by the father of petitioner in favour of Kamaljit Singh as is clear from extract of the register of Deed Writer, Annexure P2. Further argues that interest was also received on the said amount by the complainant from the father of petitioner vide Annexure P3. Further argues that after the death of father of petitioner, the present false FIR was lodged against the petitioner as well as all his family members.

Notice of motion for 23.08.2010.

However, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified under Section 438(2) Cr.P.C.?

4. This Court while issuing notice of motion in Crl.M.No.M20955 of 2010 on 29.07.2010 passed the following order :

?Crl. M. No. 37047 of 2010

Application is allowed subject to all just exceptions.

Crl. M. No. M20955 of 2010

Argues that petitioner is brotherinlaw of Kimat Rai. Further argues that dispute between the parties is civil in nature as Kimat Rai has borrowed Rs. 1,00,000 from Kamaljit Singh, complainant and pronote was executed by Kimat Rai in favour of Kamaljit Singh as is clear from extract of the register of Deed Writer, Annexure P2. Further argues that interest was also received on the said amount by the complainant from Kimat Rai vide Annexure P3. Further argues that after the death of Kimat Rai, the present false FIR was lodged against the petitioner.

Notice of motion for 23.08.2010.

However, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified under Section 438(2) Cr.P.C.?

5. It has been stated by learned counsel for the petitioners that they have already joined the investigation pursuant to said orders dated 29.07.2010. It has also been stated that a false plea has been taken by the complainant that on the same day i.e. 11.06.2008 he got executed a pronote from Kimat Rai, father of accusedpetitioner, Vijay Kumar for giving loan of" 1,00,000 and that he also paid another 1,00,000 to Kimat Rai for sending brotherinlaw of complainant abroad.

6. It has been stated by learned counsel for the State that petitioner has joined

the investigation however, bail application has been opposed on the ground that in the morning pronote was written for giving 1,00,000 as loan to Kimat Rai and in the evening another " 1,00,000 was paid without any receipt.

7. 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.

8. Hence, in view of these facts and without expressing any opinion on the merits of the case, both the anticipatory bail applications filed on behalf of Vijay Kumar and Nath Ram are accepted and orders dated 29.07.2010 granting interim bail in favour of the petitioners are, hereby, made absolute subject to compliance of conditions specified under Section 438(2) Cr.P.C.

The present petition stands disposed of accordingly.