

103 CRM-M-24338-2023
SUBHASH CHANDER JOSAN
VS
STATE OF PUNJAB

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Present: Mr. Prateek Gupta, Advocate for the petitioner.

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The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0049 dated 14.03.2023 under Sections 420, 506 IPC registered at Police Station City Jalalabad, District Fazilka, Punjab.

Learned counsel for the petitioner submits that there was commercial transactions in the financial year 2014-2015. The petitioner purchase paddy from the complainant and transferred a sum of Rs. 7.00 lacs by way of bank transfer and a cheque of Rs. 5.00 lacs was given but same was returned dishonoured on 18.11.2014. The debt is now time barred. A compliant was moved that the petitioner committed a forgery. The police although conducted inquiry but without knowing the ingredients of Section 420 registered case under Sections 420 and 506. Even Deputy District Attorney (Legal) Fazilka gave the wrong opinion. In fact civil transaction is converted into criminal case.

Notice of motion.

On asking of the Court, Ms. Himani Arora, AAG, Punjab appears and accepts notice on behalf of the respondent-State and seeks time to file status report. A copy of the paper book be supplied to her during the course of the day.

Adjourned to 08.08.2023.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.

12.05.2023
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(GURBIR SINGH)
JUDGE