

(2009) 03 P&H CK 0307

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-6896 of 2009

Loona Ram

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: March 27, 2009

Acts Referred:

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

Citation: (2009) 30 CriminalCC 845

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Advocate: Amrik Singh Kalra, for the Appellant; Anter Singh Brar, DAG, Punjab for State and Mr. Lajwant Singh Virk for the Complainant, for the Respondent

Judgement

Kanwaljit Singh Ahluwalia, J.

The present petition has been filed u/s 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 427 dated 16.12.2008 registered at Police Station Abohar, District Ferozepur, under Sections 420, 465,467,468,471 &120B IPC.

2. On 10.03.2009, this Court had passed the following order:

Counsel for the petitioner has submitted that he had purchased the combine vide agreement (Annexure P1). It is submitted that Rs. 4,00,000/- were to be paid by the petitioner to the complainant. Rs. 2,50,000/- were paid and Rs. 1,50,000/- were the balance. Allegation against the petitioner is that the petitioner had obtained duplicate registration certificate of the combine by forging the signatures of the complainant. Counsel for the petitioner further stated that it is to be proved during the course of trial. Further stated that offence, if any, is based on the documents and custodial interrogation is not necessary.

Issue notice of motion to learned Advocate General, Punjab, for 27.03.2009.

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

3. Counsel for the State, on instructions from Amar Nath, Sub Inspector, submits that petitioner has joined investigation and has given his specimen handwriting in the Court on the asking of the Investigating Officer. Mr. Brar further submits that as per his instructions, custodial interrogation of the petitioner is not required.

4. At this stage, Mr. Lajwant Singh Virk, Advocate, appearing for the complainant, submits that duplicate Registration Certificate of the Combine has not been recovered.

5. Non-recovery of the duplicate Registration Certificate can be explained by the accused at the time of trial. If it is not explained, it will be open for the Court to draw adverse inference.

6. In view of the statement made by counsel for the State and order dated 10.03.2009 passed by this Court, interim pre-arrest bail granted to the petitioner is affirmed till filing of the report u/s 173 Cr. P.C. On submission of report u/s 173 Cr. P.C. petitioner shall furnish regular bail-bonds to the Court concerned.

With these observations, present petition is disposed off.