

CNR No: PBSG010072472019

CIS No: BA/2321/2019

Satnam Singh VS STATE OF PUNJAB etc.

Present: Shri Vikas Sharma, Advocate, counsel for applicant/accused.
Shri R.S Kauldhar Additional Public Prosecutor for State
assisted by Sh. Mohd. Adil, Advocate, counsel for
complainant.

ORDER:

SI Gurmeet Singh has come present along with record and he has made a statement that applicant/accused Satnam Singh had joined the investigation on 13.08.2019 but he has not got recovered the cheques allegedly obtained by applicant/accused from the complainant.

Ld. Additional Public Prosecutor assisted by counsel for complainant has argued that custodial interrogation of applicant/accused is required to recover the cheques obtained by him from the complainant and as such he is not entitled to get the benefit of anticipatory bail. On the other hand, Ld. counsel for applicant/accused has argued that applicant/accused is not in possession of any cheque of the complainant except the cheque No.117704 dated 07.11.2017 given to him by the complainant in order to discharge his liability regarding which he had already filed complaint under Section 138 of Negotiable Instrument Act against the complainant. He has further submitted that when applicant/accused is not in possession of any other cheque of the complainant then the question of returning the same by him does not arise. It is further contended by him that anticipatory bail cannot be rejected on

the ground that alleged cheques were not recovered from the possession of the accused. In this regard he has placed reliance upon Bhupinder Singh etc V/s State of Punjab. 2014 (2) RCR (Criminal) 109 (P&H).

Applicant/accused was released on interim anticipatory bail by this Court vide order dated 07.08.2019 with the direction to join the investigation within 05 days from that day. Applicant/accused joined the investigation. Prosecution though alleged that custodial interrogation of applicant/accused is required to recover the cheques obtained by him from the complainant when the complainant used to sell his agriculture produce through applicant/accused, but complainant has nowhere alleged in his statement on the basis of which instant case was registered about the details of cheques given by him to the applicant/accused as security at the time of selling his agriculture produce. Applicant/accused has nowhere stated during inquiry before any police official about the keeping of cheque book of complainant containing 100 leaves as security with him. The inquiry report on the basis of which it has been alleged that applicant/accused kept cheque book of complainant containing 100 leaves with him as security is based upon the statement of Jagjit Singh and Jagdev Singh. The statements of above-named persons are yet to be proved during the trial. Moreover, Hon'ble Punjab and Haryana High Court in Bhupinder Singh's case (supra) has held that anticipatory bail could not be rejected on the ground that dowry articles were not recovered

from the accused. Thus, as per the ratio of above-said judgment the anticipatory bail cannot be rejected on the ground that the cheques allegedly obtained by the applicant/accused from complainant were not recovered from him. In view of the attending facts and circumstances of the case, bail application filed by applicant/ accused is allowed and interim bail granted to him vide order dated 07.08.2019 is made absolute subject to same conditions as incorporated therein. A copy of this order be sent to the SHO of Police Station, City-1, Malerkotla for compliance. Police file be returned. Bail application file be consigned to the Record Room.

Pronounced:

Dated: 17.08.2019

Harsh Kumar, stenographer-III

(Sham Lal),
Additional Sessions Judge,
Sangrur,
[UID Number : PB0123]