

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.M-21232 of 2015 (O&M)

Date of decision:21.07.2015

Ajay Shukla

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioner in case FIR No.14, dated 25.01.2015, under Sections 406/420-120-B IPC, registered at Police Station Division No.2, Ludhiana.

On 06.07.2015, while issuing notice of motion, this Court had directed the petitioner to join investigation and had granted ad interim protection as regards arrest.

Learned State counsel upon instructions from ASI Onkar Singh would submit that even though the petitioner has joined investigation but still there are certain articles relating to the factory in question and in relation to which there were allegations of theft directed against the present petitioner and which are still to be recovered.

Be that as it may, it would be apposite to take note that there is a civil suit instituted by the present petitioner, namely, Ajay Shukla for permanent injunction against the complainant, Harnek Singh and in which a

restraint order dated 11.09.2013 was passed by the Court. Such restraint order reads in the following terms:

“Defendants are restrained from dispossessing the plaintiff or removing the assets of the firm illegally and forcibly.”

In the light of such peculiar facts and the petitioner having already joined investigation, his custodial interrogation would not be warranted.

Accordingly, the present petition is allowed. Order dated 06.07.2015 passed by this Court is absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
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