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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15635-2018 (O&M)
Date of decision-27.11.2018

Rajiv Mittal and others

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karan Vir Nanda, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
HC Gurpreet Singh.

Mr. P.L.Singla, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.48 dated 10.02.2018 registered under Sections 406, 420 and 120-B of the Indian Penal Code at Police Station Zirakpur.

On 19.04.2018, this Court had passed the following order:-

“Learned counsel for the petitioners contends that on similar allegations, initially a complaint was filed by the complainant with police of Panchkula. The same was enquired and no offence was found to have been committed by the petitioners. Thereafter, on the same allegations, the complaint filed before the police of Police Station Zirakpur resulted in lodging of present FIR.

Learned counsel further contends that the parties were having business transactions. The controversy arising out of agreement to sell would give civil profile only. On earlier occasion, petitioner No.1 filed CRM-M No.34594 of 2015 for taking appropriate action against the

complainant party in the context of ongoing controversy and the same was dismissed as withdrawn with a liberty to the petitioner to avail any other appropriate remedy in accordance with law. Thereafter, wife of petitioner No.1 filed a complaint under Sections 406, 420, 467, 468, 471 and 506 IPC in the court of Chief Judicial Magistrate, Panchkula which is statedly pending at a pre-cognizance stage.

Notice of motion for 31.05.2018.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 26.04.2018 at 11.00 A.M. and in the event of their arrest, they shall be enlarged on ad interim bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contends that in pursuance of the order dated 19.04.2018, the petitioners have joined the investigation.

Learned State counsel on instructions from HC Gurpreet Singh submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 19.04.2018, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

27.11.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No