

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33071-2017 (O&M)

Date of decision: 30.07.2018

Rohit Arora

... Petitioner

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. PP, U.T. Chandigarh.

Mr. Pradeep Sharma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.247 dated 18.08.2016 under Section 408 IPC (Sections 467, 468, 471 IPC were added later on), registered at Police Station Sector-39, Chandigarh.

On 07.09.2017, following order was passed: -

“This is an application under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No. 247 dated 18.8.2016 under Section 408 IPC (Sections 467, 468, 471 IPC added later on) registered at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner submits that in fact prior to registration of FIR, petitioner has submitted a complaint

against the complainant with regard to his pending claim and to the counter blast FIR has been registered.

It is further submitted on behalf of the petitioner that petitioner was granted interim bail by learned Sessions Judge, Chandigarh vide order dated 30.8.2016 and this order remained in operation till 29.8.2017 i.e. for about a period of one year and during the intervening period, petitioner has joined the investigation as and when required by the Investigating Officer and has not misused the concession of bail.

Notice of motion for 1.11.2017.

In the meantime, arrest of the petitioner shall remain stayed subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.”*

Thereafter, the petitioner was directed to join the investigation three times.

Learned senior counsel for the petitioner submits that even the antecedents of the complainant are not clear, as against him, warrants of arrest are issued in the proceedings under Section 138 of the Negotiable Instruments Act. It is further submitted that the petitioner has handed over all the transcript of chat and conversation with regard to receipt of payment of amount.

Learned State counsel, on instructions from SI Bhim Singh and

assisted by learned counsel for the complainant, has submitted that there is a dispute with regard to payment of amount and the petitioner has even produced a false compromise with the complainant.

Without commenting anything further on merits of the case, considering the fact that the petitioner was on anticipatory bail for a considerable long time, when his application was pending before the Additional Sessions Judge and in pursuance to the aforesaid interim orders, he has joined the investigation on number of times, it being a business money dispute between the petitioner and the complainant, who is presently settled abroad and non-bailable warrants have been issued against him in the complaint under Section 138 of the Negotiable Instruments Act, I deem it appropriate to confirm the order dated 07.09.2017 passed by this Court and the same is hereby made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

30.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No