

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

**CRM-M-4730 of 2020
Date of decision 29.10.2021**

Ashwani Kumar Pandey

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepam Raghava, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.
Mr. Gunjan Mehta, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 686 dated 17.9.2018, under Sections 406 and 420 IPC, registered at Police Station DLF, District Gurugram.

On 3.2.2020, this Court passed the following order:

“The petitioner has filed this petition under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.686 dated 17.09.2018 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station DLF, Gurugram.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the FIR registered on the complaint of Moti Lal alleging cheating and criminal misappropriation by the petitioner. The Complainant has projected a false and concocted story in the FIR and tried to give a criminal colour to a purely civil dispute. The matter is pending before National Company Law Tribunal for insolvency resolution process. The petitioner is ready to join investigation.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State.

At this stage, Mr. Gunjan Mehta, Advocate has put in appearance on behalf of the complainant and filed his power of attorney which is taken on record.

Copies of the paper book have been supplied to learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the complainant has argued that the petitioner cheated the complainant and criminally misappropriated the amount invested by siphoning off the same. The extra-ordinary relief of anticipatory bail cannot be granted in respect of socio-economic offences particularly when investigation is still pending. However, learned Counsel for the complainant seeks time to file reply to the petition.

Learned State Counsel seeks time to complete his instructions.

Adjourned to 17.02.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

To be heard along with CRM-M-51368-2019 and CRM-52563-2019.”

Learned counsel for the State, on instructions from SI-Manoj submits that during investigation, the petitioner was to be found innocent.

In view of the statement made, the prayer made in the present

petition has been rendered infructuous.

Disposed of as infructuous.

**[AVNEESH JHINGAN]
JUDGE**

29th October, 2021
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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |