

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9020-2020

Date of decision : 29.10.2021

Jatinder Kapoor and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Maneet Kumar Arya, Advocate and
Mr.Abhishek Kharb, Advocate
for the petitioner.

Mr.A.K.Kaundal, DAG,Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.08 dated 30.01.2020 registered under Section 420, 406, 120-B IPC at Police Station Shahpur Kandi, District Pathankot.

On 15.09.2020, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioners submits that the petitioners are neither Director nor Promoter of the Company in which deposits were allegedly made by the complainant, thus, they deserve interim protection.

Adjourned to 14.12.2020.

In the meantime, the petitioners are directed to join investigation with the Investigating Officer on 28.09.2020 at 10.00 a.m. and cooperate therewith. In the

event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to her compliance of the conditions enshrined under Section 438(2) Cr.P.C.

However, liberty is granted to the State to seek vacation of interim order”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have already joined investigation.

Learned State counsel, on instructions from ASI Gulshan Kumar, has submitted that the petitioners have joined investigation and are not required for custodial interrogation.

Keeping in view the above said facts and circumstances, more so, the fact that the petitioners are neither director nor promoter of the company where the amount has been deposited and the petitioners have already joined the investigation, the present petition is allowed and the interim order dated 15.09.2020 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 29, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No