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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video-conferencing)

CRM-M No.31984 of 2021
Date of Decision: 27.09.2021

Bhagwat Sharma

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Jain, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.88 dated 19.05.2018 registered under Section 420 IPC at Police Station City Phagwara, District Kapurthala.

On 10.08.2021, following order was passed by this Court:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that as per GSTIN 04AINPG3665Q2ZO, Nitu Goyal wife of accused No.3 namely Gaurav Goyal is the sole proprietor of OHO Holidays, Zirakpur. An amount of Rs.7 lacs was deposited in the account of aforesaid

proprietorship. Petitioner was an employee of the aforesaid concern and has never drawn any benefit out of the amount deposited by the complainant. Petitioner has already resigned from the said proprietorship concern on 25.03.2018. Observation to the contrary appearing in the order dated 05.08.2021 passed by Sessions Judge, Kapurthala is without any basis.

Notice of motion for 27.09.2021.

Till the next date of hearing, as one time arrangement, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 16.08.2021 at 11:00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that Nitu Goyal is the sole proprietor of OHO Hotels, Zirakpur and an amount of Rs.7 lacs was deposited in the account of proprietorship concern. Petitioner was simply an employee of the aforesaid concern and has not drawn any benefit from the amount so deposited by the complainant. Moreover, the petitioner has already resigned from the job on 25.03.2018.

Learned counsel further submits that in compliance of the aforesaid order dated 10.08.2021, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Gurmukh Singh submits that the petitioner has joined the investigation on 24.08.2021 and is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 10.08.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

September 27, 2021

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No