

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35470-2021

Date of decision : 09.11.2021

Kuldeep Vohra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sukhbir Maandi, Advocate
for the petitioner.

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

VIKAS BAHL, J.(ORAL)

This is the first petition under 438 Cr.P.C. for grant of anticipatory / pre -arrest bail to the petitioner in FIR no.0280 dated 31.07.2021 registered under Sections 323, 379, 506, 34 IPC at Police Station Sohana, District SAS Nagar, Mohali.

On 31.08.2021, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioner, inter alia, submits that the both complainant and the petitioner, are close colleagues who were associated in the same establishment engaged in the business of immigration, and the petitioner has been motivatedly arrayed as an accused on account of some monetary dispute by concocting the alleged occurrence in which only non-bailable offence i.e. Section 379 IPC has been added.

Notice of motion for 09.11.2021.

Meanwhile, in the event of arrest, the petitioner be

released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

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

Learned State counsel, on instructions of ASI Sanjay Kumar, has submitted that although the petitioner has joined the investigation but neither recovery of an amount of Rs.50,000/- has been got effected from the petitioner nor the iPhone has been recovered from the petitioner. It is further submitted that the petitioner along with the complainant were partners and were jointly doing the business of immigration and 16 passports of the clients have also not been recovered from the petitioner.

In rebuttal, learned counsel for the petitioner has submitted that the petitioner was a 50% shareholder along with the complainant and thus, the clients of the petitioner and the complainant were joint and the complainant is also answerable to his clients with respect to the passports. It is further argued that the petitioner in fact never took any iPhone of the complainant and thus, the question of recovering the same would not arise. It is submitted that the allegations have been made by the complainant, who was the partner of the petitioner, only to settle the monetary dispute.

Keeping in view the above said facts and circumstances, more so the petitioner and the complainant were partners and were doing the business jointly and there seems to be a monetary dispute between them,

and also the fact that the petitioner has joined investigation, the present petition for anticipatory bail is allowed and the interim order dated 31.08.2021 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

November 09, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No