

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-49631 of 2019
Date of Decision: 26.07.2021

Ankit Kapoor

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Nand Lal Sammi, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

Mr. Akash Yadav, Advocate, for
Mr. Abhinav Gupta, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On July 01, 2021 the following order had been passed by this court,
also reproducing therein the order passed on 22.11.2019:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of
'pre-arrest bail' upon FIR No. 199 having been registered at
Police Station Kotwali, District Patiala, on 08.08.2019, alleging
therein the commission of offences punishable under the
provisions of Sections 420/406/486/506/120-B of the IPC.

On 22.11.2019, the following order had been recorded by
a co-ordinate Bench:-

“It is contended by learned counsel for the petitioner that the complainant is not having any independent jewellery making business establishment as such.

He is the worker/employee of one Bhim Sain Verma, who is the President of the District Jewellers Association, Patiala. The petitioner was having a dispute with above said Bhim Sain Verma regarding the exchange of gold items. Since the said Bhim Sain Verma was not settling the account regarding exchange of the gold items, therefore, the petitioner had served a legal notice upon him. Feeling agitated over that, he has misused the complainant to lodge the FIR against the petitioner. Otherwise, the petitioner was not having any independent dealing with the complainant as such.

Notice of motion for 17.4.2020.

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.”

Today, though learned counsel for the petitioner submits that the petitioner has joined investigation, learned counsel for the State submits that he has clear instructions to the effect that he has not joined investigation.

Mr. Gupta appears for the complainant and submits that as a matter of fact the petitioner has misled the court on the last date of hearing, inasmuch as, the complainant has nothing to do with any Bhim Sain Verma and the complainant was earlier, upto the year 2018, employed with one Ravinder Singh after which he is doing independent work of “ornamental jewellery making” and the petitioner in fact seems to be taking advantage of some dispute that he may have had with the aforesaid Bhim Sain Verma.

He further submits that another FIR of similar nature, bearing no. 202, dated 09.11.2019, has been registered against the petitioner, in the context of which he had also applied for anticipatory bail, which petition was dismissed on 17.03.2020 and consequently the petitioner does not deserve to be admitted to bail in the present case either. Learned counsel for the petitioner refutes the aforesaid contention by reiterating that as a matter of fact the complainant is not an independent worker and in fact he and the petitioner are both jewellery technicians/workers, working 'under' the aforesaid Bhim Sain Verma who obviously is an influential person being the President of the Association.

In the aforesaid circumstances, without making any comment on the actual merits of the case, the petitioner is directed to appear before the learned Ilacqua Magistrate concerned within 05 days from today, with the Ilacqua Magistrate to thereafter summon the investigating officer to ensure that the petitioner is joined in the investigation.

A gazetted officer is directed to file a detailed reply to the petition, failing which the Senior Superintendent of Police, Patiala, shall be summoned to court.

The complainant is ordered to be impleaded as respondent no. 2 in the petition, with the Registry directed to carry out the necessary correction in the memo of parties by taking the complainants' address from the copy of the FIR in the petition itself.

The complainant will file an affidavit annexing therewith any proof (including a GSTIN number) of him working independently as a jeweller etc. or whatever capacity he is working in.

Adjourned to 26.07.2021.”

A reply by way of an affidavit of the DSP, City-I, Patiala, has been filed which is ordered to be taken on record, from which learned State counsel points to paragraph 3, wherein it is stated that even after the order of this court dated 01.07.2021, no notice has been received by the investigating officer from the Ilaqa Magistrate within the five day period stipulated directing the petitioner to appear before the Ilaqa Magistrate, who was then to summon the IO to ensure that the petitioner joined investigation.

Upon query to Mr. Sammi, learned counsel for the petitioner, he submits that in fact he has no instructions at all from the petitioner.

That being so, with the petitioner obviously not even having complied with the order dated 01.07.2021, and in any case the contention of learned counsel for the State on that date also being that he had not even joined investigation pursuant to the order dated 22.11.2019, I see no reason to entertain this petition any further, which is consequently dismissed.

No further order regarding the interim order actually needs to be passed, but even so, to make it absolutely clear, the interim orders passed on 22.11.2019 and 01.07.2021 obviously stand vacated.

July 26, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No