

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(245)

CRM-M-1706-2022

Date of decision: - 28.02.2022

Amrinder Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gautam Bhardwaj, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.361 dated 04.09.2021, under Sections 420, 406 and 506 of the Indian Penal Code, 1860, registered at Police Station Baldev Nagar, Ambala, District Ambala.

On 17.01.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that as per the allegations in the FIR, it has been stated that on 18.05.2021, the complainant had come to know that “Ticklick” App, which has been developed by the complainant and his partners, had been closed and was missing from the App store and the petitioner had allegedly

given threats to the applicants to come to Patiala alongwith amount of Rs.10,00,000/- if they wished to continue to run the App, whereas, in the statement which had been recorded on 20.05.2021 (page 63 of the paper book) by the said complainant-Gurpreet Singh son of Karnail Singh, who is one of the complainants alongwith Gurmit Singh son of Gurdial Singh and both are stated to be partners, in the proceedings under Sections 107 and 150 of Cr.P.C. which was instituted by the petitioner, no reference has been made to the factum of "Ticklick" App having been closed or the demand of payment of Rs.10,00,000/- and rather, the only allegation is this that the petitioner had not got completed the work in the given amount of time. It is further argued that there is a civil suit which has been filed by the present petitioner and even a complaint under Section 156(3) of Cr.P.C. has been moved by the petitioner and in the complaint, it is apparently a civil dispute and in fact, as per the averments made in the civil suit, the petitioner had already made one App and had given the same to the complainant party and was preparing the second App regarding which also it has been averred that 25% of work had already been done and in fact, it is the complainant party who owe money to the petitioner and the complainant party instead of clearing the said amount, asked the petitioner to give the code of the App, which was done by the petitioner to which, as per the petitioner, they were not entitled to the same as the said code was to be given after the remaining payment had been made to the petitioner.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 28.02.2022.

In the meantime, in the event of arrest, the petitioner shall 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.

To be heard alongwith CRM-M-54813-2021."

Learned counsel for the petitioner has submitted that in

pursuance of the above-said order, the petitioner has joined the investigation and has got recorded his statement.

Learned State counsel, on instructions from ASI Lal Chand, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the fact that the petitioner has joined the investigation and is not required for further investigation and the facts noticed in order dated 17.01.2022, the present petition for grant of anticipatory bail to the petitioner is allowed and the interim order dated 17.01.2022 is made absolute.

However, nothing stated above shall be construed as a final 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 application.

February 28, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No