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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2003-2022

Date of decision : 15.03.2022

Sukhdev Singh Sidhu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Nahel, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.255 dated 08.12.2021 under Sections 420 and 406 Indian Penal Code, 1860 registered at Police Station Dirba, District Sangrur, who apprehends his arrest at the hands of Police.

On 18.01.2022, this Court had passed the following order:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.255 dated 08.12.2021 registered under Sections 420,406 of IPC at Police Station Dirba District Sangrur.

Learned counsel for the petitioner argues that from the allegations itself, it is clear that the dispute is with regard to the settling of the accounts of the partnership firm wherein the petitioner and the complainant were the partners. Learned counsel submits that the said civil dispute has been given the colour of criminal proceedings by getting the present FIR registered. Learned counsel submits

that the petitioner is ready to join the investigation and co-operate so as to convince the Investigating Agency that the petitioner has done no wrong hence he may be granted the concesssion of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the State submits that in the present case, the allegations against the petitioner are of mis-appropriating the funds of partnership firm as after agreeing to give the money due to the complainant, the petitioner resiled and is not returning the amount, therefore, his custodial interrogation is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Prima facie, the allegations in the present petition relates to the settling of the accounts of the partnership firm though, this Court is not rendering any opinion/finding upon the allegations being alleged in the FIR as of now but keeping in view the facts and circumstances of the case, where the dispute is of settling the accounts of the partnership firm where complainant and petitioner were partners, the purpose of investigation can be achieved in case the petitioner is directed to join the investigation as he has undertaken to cooperate with the investigation.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

iii) That he shall not leave India without prior permission of the Court.

iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 15.03.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the

petitioner in case, the same is needed.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by ASI Gurdev Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 18.01.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

15.03.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No