

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-5408-2022
Date of Decision : 19.07.2022**

Rajinder Katyal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Karan Vir Nanda, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Puneet Jinal, Senior Advocate
with Mr. Kunal Mittal, Advocate
for the complainant.

JASGURPREET SINGH PURI, J (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.8, dated 21.03.2020, under Sections 406, 120-B IPC, registered at Police Station NRI, Ludhiana, District Ludhiana.

It has been submitted by the learned counsel for the petitioner that the subject matter of the present petition is only a financial dispute between the parties and the said dispute is also settled between the purchaser and seller and so far as the present petitioner is concerned, he was only a commission agent. He further submitted that the other co-accused who is the main accused in the present case namely Avinash Garg has already been granted anticipatory bail vide order dated 26.11.2020, passed by this Court in CRM-M-22889-2020 (Annexure P-5). He

09.02.2022 whereby he was directed to join the investigation and in pursuance thereof, he has already joined the investigation and has fully cooperated with the investigation process and, therefore, has prayed that the order dated 09.02.2022 may be made absolute.

Learned State counsel, on instructions from ASI Joginder Pal, has submitted that it is correct that vide order passed by this Court on 09.02.2022, the petitioner has already joined the investigation. He submitted that however, no money has been recovered from the petitioner.

Mr. Kunal Mittal, Advocate, appearing on behalf of the complainant has stated that the petitioner should give an undertaking to deposit Rs.5,00,000/- before the Investigating Officer since in the other case of Avinash Garg, he had also volunteered to deposit an amount of Rs.2.25 lacs.

I have heard learned counsel for the parties.

It is a case where there was a financial dispute between two parties and as per the learned counsel for the petitioner, the matter was settled thereafter and so far as the present petition is concerned, he was a commission agent who had approached this Court by filing the present petition for grant of anticipatory bail. Undoubtedly, the controversy involved in the present case is a financial dispute between the parties and the co-accused namely Avinash Garg has already been granted anticipatory bail vide order dated 26.11.2020, passed by this Court in CRM-M-22889-2020. The submission made by learned counsel for the complainant that the petitioner should volunteer to deposit Rs.5 lacs before the Investigating Officer is not sustainable in view of the fact that for the purpose of considering the grant of anticipatory bail, no such condition can be imposed by the Court. In the other case of Avinash Garg, he had himself volunteered to deposit Rs.2.25 lacs and there was

of money itself cannot become a ground for denial of bail because the police should not be used as recovery agents. When notice of motion was issued in this case, the complainant was also granted liberty to file affidavit by the next date of hearing. However, no such affidavit has been filed before this Court.

In view of the aforesaid position, this Court is of the considered opinion that the present petition deserves to succeed. Consequently, the present petition is allowed. The order dated 09.02.2022, is hereby made absolute.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

19.07.2022
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(JASGURPREET SINGH PURI)
JUDGE

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