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

CRM-M-10922-2022

Date of decision : 15.03.2022

Lovely Mehta @ Sunny Mehta

...Petitioner

Versus

UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Saini, Advocate for the petitioner.

Mr. Anil K. Lamdharia, APP, UT Chandigarh.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner.

Learned counsel for the petitioner has submitted that since in the present case till date, no FIR has been registered on the complaint moved by Ajay Mittal and Harish and thus, he restricts his prayer in the present petition with regard to issuance of advance notice of three days to the petitioner in case any FIR is registered and he is to be arrested in the same on the complaint moved by Ajay Mittal and Harish.

Learned counsel for the petitioner has submitted that notice dated 20.01.2022 (Annexure P-2) has been issued to the petitioner by the Chandigarh Police for appearance before Sudesh Kumar, Incharge of Police

Post Burail, UT Chandigarh on the complaint moved by Ajay Mittal and Harish and the petitioner wants to join the enquiry but is apprehensive that in case, he goes to join the enquiry then in that case, FIR may be registered at the spot and the petitioner may be arrested there and then. It is further submitted that the petitioner has even applied for anticipatory bail before the Sessions Judge, Chandigarh and there also, prayer was made by the petitioner that advance notice of 7 days be given in case he was required to be arrested in the complaint given by the said Ajay Mittal and Harish with respect to the dispute of the cars in question. However, the said prayer has not been rejected.

Notice of motion.

On advance notice, Mr. Anil K. Lamdharia, APP, UT Chandigarh, appears and accepts notice on behalf of UT Chandigarh and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and submitted that till date, there is no FIR registered against the petitioner and the concerned police officer has issued notice dated 20.01.2022 (Annexure P-2) to the petitioner but he has not come to join the enquiry and the entire purpose of issuing notice was to enquire into the complaint which was given by Ajay Mittal and Harish.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that till date, no FIR has been registered against the petitioner. The complaint has been moved by Ajay Mittal and Harish with respect to the fact that the present petitioner had taken four cars, all of which have not been returned. Notice dated 20.01.2022 (Annexure P-

2) has been issued to the petitioner to join the enquiry. There is an apprehension in the mind of the petitioner that in case, the petitioner goes and join the enquiry, an FIR might be registered on the same date and he may be arrested without him getting an opportunity to apply for the concession of anticipatory bail. The petitioner, however, undertakes to appear before the Enquiry Officer and is fully ready to assist him.

Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with a direction to the respondent to give an advance notice of three days to the petitioner in case, the petitioner is required to be arrested on the complaint moved by Ajay Mittal and Harish with respect to the four cars in question.

15.03.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**