

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-16462-2022

Date of Decision: 10.11.2022

Sandeep Kumar

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sourabh Goel, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J. (Oral)

The petitioner has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.0170 dated 11.06.2021 under Sections 406/420 IPC registered at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner states that in compliance to the order dated 07.09.2022, the petitioner has joined the investigation on 21.09.2022 at 10.00 A.M.

This very fact has not been controverted by the State Counsel.

Partnership Deed has been produced, which shows that the petitioner is not a partner in a firm namely, M/s Golden Food Products, Duladdi, Nabha and has no relationship or any kind of business dealings with Goyal Agro Food in whose name the bill has been issued as attached with challan. The bills pertained to firm M/s Pat Ram Raj Kumar.

Learned State counsel, on instructions from SI Harinder Singh, contends that a bogus firm has been created by the petitioner and GST account has been found to be in his name.

However, these are the disputed facts which can be dealt with during the course of trial by leading evidence.

Since nothing is to be recovered as stated by State counsel, though the transaction relates to an outstanding amount of Rs.71,73,655/- towards the petitioner but the amount is in dispute in view of the bills as available with the police, which are part of the challan.

However, without commenting on the merits of the case, at this stage, and in view of the fact that the petitioner has already joined the investigation in pursuance to the previous orders passed by this Court from time to time especially the order dated 04.05.2022 read with order dated 07.09.2022, the same is hereby made absolute.

However, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438 (2) Cr.P.C.

Disposed of.

10.11.2022
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No