

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

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CRM-M-20556-2022 (O&M)

Date of Decision: 20.09.2022

Gautam Aggarwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S.Cheema, Senior Advocate, with
Mr. Rajiv Kumar Trikha, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab
assisted by ASI Madan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.064 dated 07.04.2022, Police Station City Hoshiarpur, District Hoshiarpur, under Sections 419, 420, 465, 467, 471 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion on 13.05.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.064 dated 7.4.2022, Police Station City Hoshiarpur, District Hoshiarpur, under Sections 419, 420, 465, 467, 471 and 120-B of Indian Penal Code.

The allegations, in nutshell, are that the petitioner was arrayed as an accused in a complaint instituted against him by Punjab National Bank in respect of dishonour of a cheque alleged to be issued by the petitioner. The petitioner had been granted bail in the said case. Consequently, the petitioner furnished bail bonds in the year 2020. Later

the documents furnished by the surety i.e. the revenue documents were sent for verification and whereupon Tehsildar, Hoshiarpur reported that the identity card of Nambardar Surjit Singh was a fabricated document and that said Nambardar had never appeared as a witness. Learned Magistrate upon receiving the aforesaid information from Tehsildar, Hoshiarpur got the present case lodged, wherein the specific allegation is that the Nambardar, who had appeared as a witness and the surety Kamla Devi were both impostors.

Learned counsel for the petitioner has submitted that the petitioner was behind bars as on the date when bail bonds and surety bonds were furnished and had no *mens rea* whatsoever for the purpose of getting any bogus surety bonds furnished. It has further been submitted that although the bail granted to the petitioner in the complaint under Section 138 of Negotiable Instruments Act was cancelled but he was granted bail by the Court of Sessions after about six days.

Notice of motion for 20.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is expected that the petitioner would come out with truthful particulars as regards the persons contacted by him/his relatives/his friends for the purpose of furnishing bail bonds so as to unearth the entire scam. In case it is found that the petitioner is not fully cooperating and is not furnishing requisite particulars, his bail may be cancelled.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by

this Court vide order dated 13.05.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

20.09.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**