

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28178-2022
Date of decision : 18.08.2022

Monish Arora

... Petitioner

Versus

The State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Ritu Pathak, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Sultan Singh Gill, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0255 dated 24.12.2021 under Sections 406 IPC at Police Station Division E, District Police Commisionerate, Amritsar.

On 06.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner was only an employee of the company-“Soham Biomed” and was appointed on 01.12.2017 in the capacity of Regional Manager (Marketing) at a fixed pay of Rs.1 lacs per month besides the travelling allowances upto Rs.40,000/- and has relied upon e-mail dated 05.12.2017 to substantiate the same (Annexure P-1) and has further stated to have quit the company on 31.07.2019 as he was not paid salary for the preceding three months. It is further submitted that the goods were meant for the company and the said company has not been arrayed as an accused. It is contended that the present dispute is

primarily a civil dispute which is sought to be given a criminal colour.

Notice of motion for 18.08.2022.

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

Learned counsel for the State and complainant are granted liberty to place on record all the relevant documents in order to show that the petitioner does not deserve the concession of anticipatory bail.

06.07.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 06.07.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 06.07.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 18, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No