

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

CRM-M-32330-2022

Date of Decision: 07.09.2022

Dharamveer Powar @ Dharamveer Puar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harlove Singh Rajput, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 132 dated 31.07.2021 under Sections 420/120-B of the IPC, registered at Police Station Mahilpur, District Hoshiarpur.

On 27.07.2022, this Court was pleased to pass the following order:-

“CRM-26107-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition. In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

Inter alia contends that in the present case, the money in question, even as per the FIR, has been deposited into

*the account of the company and the present petitioner is not the Director of the said company. It is further submitted that the petitioner has been made as an accused only in order to pressurize his brother Harish Powar to settle the matter with the complainant party. It is contended that earlier, compromise (Annexure P-5) has been entered into between the parties on 04.05.2022 and as per the said compromise, the entire issue has been resolved and after having taken the benefit of the said compromise, the complainant party has backtracked from the same. It is further contended that the present dispute is primarily a civil dispute which is sought to be given a criminal flavour and reliance has been placed upon the judgment of the Hon'ble Supreme Court in case titled as **Inder Mohan Goswami Vs. State of Uttaranchal** reported as **(2007) 12 SCC 1.***

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and Mr. S.P.S. Aulakh, Advocate appears on behalf of the complainant and seeks time to get instructions.

Adjourned to 07.09.2022.

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 as well as complainant would be at liberty to place on record all the relevant documents in order to show that the petitioner is not entitled for grant of concession of anticipatory bail.”

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

Learned State counsel, on instructions ASI Gurmail Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 27.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 27.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

September 07, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No