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

CRM-M-44092-2022

Date of decision : 07.12.2022

Goldy and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anupinder Singh Brar, Advocate for
Mr. M.S. Basra, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.79 dated 10.06.2022 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Dhariwal, District Gurdaspur.

On 28.09.2022, this Court had passed the following order:-

“CRM-36811-2022

This is an application for placing on record certain documents as Annexures P-3 and P-4.

Application is allowed, as prayed for. The documents (Annexures P-3 and P-4) are taken on record, subject to all just exceptions.

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Inter alia, contends that in the present case, the

petitioners who are employees of the complainant had earlier filed an application dated 11.12.2020 (Annexure P-1) to the Senior Superintendent of Police, Gurdaspur and the present FIR has been registered as a counter blast to the same. It is further contended that the present dispute has civil tappings and the FIR has been registered after a delay of more than 2 years and 10 months, inasmuch as, it is the case of the complainant that he had gone abroad on 09.06.2019 and came back on 29.07.2019 and after checking the ledger book of the Company, he found the alleged misappropriation, whereas, the complaint in the present case has been given on 07.06.2022, on the basis of which the FIR has been registered on 10.06.2022.

Notice of motion for 07.12.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

It would be open to the learned counsel for the complainant to place on record the documents to show that the petitioners are not entitled for grant of anticipatory bail.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid order dated 28.09.2022, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from ASI Ranjit Singh, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.09.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 28.09.2022 is ordered to be made absolute.

However, 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 application.

07.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No