

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

223

CRM-M-50121-2021

Date of Decision: 17.02.2022

Harish Jain ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Gupta, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab,
assisted by ASI Nazar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0114 dated 5.8.2019 at Police Station City-I, Malerkotla under Sections 406 and 420 IPC.
2. At the time of issuance of notice of motion on 01.12.2021, 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.0114 dated 5.8.2019 at Police Station City-I, Malerkotla under Sections 406 and 420 of Indian Penal Code.

The FIR was lodged at the instance of Davinder Singh Randhawa, who has alleged that he had retired as Master, Warrant Officer from Indian Air Force and that he alongwith other members of his family had invested an amount of Rs.16,66,500/- with ‘M/s R.I. and Associates’ through various transactions effected during the years 2012-2014. The complainant has alleged that the said firm was being run by the petitioner and his father and they had usurped the entire amount.

Learned counsel for the petitioner has submitted that a false case has been foisted upon the petitioner inasmuch as the complainant has not come out with any details regarding the mode of payment and no receipt in respect of the said investments is forthcoming. It has further been submitted that while the investments are stated to have been made somewhere in the years 2012 to 2014 and as per the allegations, the amount was to be doubled by the accused within one year but it remains unexplained as to why there is a delay of about 5 years in lodging the FIR.

Learned counsel for the petitioner has further been submitted that the petitioner, in any case, has nothing to do with 'M/s R.I. and Associates', which was in fact a partnership firm of petitioner's father and one Ibrahim Abdal as would be evident from the partnership deed dated 27.10.2007 (Annexure P-3). It has further been submitted that the petitioner's father i.e. Rajinder Jain (co-accused), in any case, had expired even before lodging of FIR and that the petitioner is being unnecessarily harassed by the complainant.

Notice of motion for 17.02.2022.

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."

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. It has, however, been informed that the petitioner stands involved in 1 more case.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and his custodial interrogation is not required, the petition is accepted and the interim directions issued by this Court vide order dated 01.12.2021 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.

17.02.2022

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(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**