

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46561-2022 (O&M)
Date of Decision:- 06.12.2022

Ayush Rastogi

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manan Bhardwaj, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by HC Rajesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No. 285 dated 23.12.2021, Police Station City Rajpura, District Patiala, under Sections 406, 420 and 120-B IPC.
2. The FIR was lodged at the instance of B.S.Rawat, Factory Manager at Ascon Engineering Industries wherein he alleged that he was into business of manufacturing Copper Terminal Ends and that petitioner- Ayush Rastogi as well as Kiran Rastogi had approached him for purchasing Copper Terminal Ends while representing that they were running their business under the name and style of M/s Engineer

Control & Switchgears. It is further alleged that the accused placed order vide e-mail dated 5.11.2018 and 14.11.2018 and consequently the complainant delivered the goods on 16.11.2018 and 15.12.2018 but entire payment in respect of the goods delivered was not made and as such he has been cheated.

3. Learned counsel for the petitioner submits that even if all the allegations as levelled in the FIR are taken to be correct, the same at best would constitute a civil liability. As regards non-payment of delivery in respect of the goods delivered, and that the instant FIR has been lodged simply to pressurize the petitioner to extract payments. It has further been submitted that identically situated co-accused Kiran Rastogi has already been granted bail by this Court vide order dated 6.9.2022 passed in CRM-M-17580-2022.
4. Learned State counsel, upon instructions from HC Rajesh Kumar submits that pursuant to interim directions issued on 6.10.2022 the petitioner has already joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
5. This Court has considered the rival submissions.
6. Having regard to the aforestated facts and circumstances it will indeed be debatable as to whether it is a case amounting to some criminal offence or is a matter which would fall within the ambit of civil liability only. The petitioner in any case is stated to have joined investigation and is not stated to be wanted for any custodial interrogation. Petitioner is also stated to be having a clean record. In these circumstances his custodial interrogation is not wanted. As

such, the petition is accepted and the interim directions issued by this Court vide order dated 6.10.2022 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.

06.12.2022

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No