

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

209-a

CRM-M-3833-2023

Date of decision: 11.09.2023

Navjot Singh Dhaliwal

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. J.S. Gill, Advocate, for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY, J

1. On 24.01.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.532 dated 18.12.2022, registered under Sections 406, 420, 120-B of the IPC at Police Station Sohana, District SAS Nagar.

Learned Senior Counsel, inter alia, contends that on the same set of allegations, first complaint, which was made, was investigated and conclusion drawn thereon vide Annexure P-3, that it is a civil dispute. On the same set of allegations, civil suit, Annexure P-6, wherein also the pleading was with regard to the siphoning of funds, stands withdrawn pursuant to a settlement arrived at between the parties, thus, the acquiring of knowledge on 31.03.2022, is belied. Apropos, a reference is also made to the Resolutions Annexures P-5 and P-7. The amount received was nowhere agreed upon between the parties to be deposited in the account of the Trust, as per the Agreement, Annexure P-2. Co-accused have been granted interim anticipatory bail vide order dated 13.01.2023, Annexure A, which is pending for 01.03.2023, who have stated to have joined investigation. He submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Mr. P.S. Ahluwalia, Advocate appears on behalf of the complainant and files his power of attorney in the Court. Same is taken on record. He submits that the petitioner is involved in another FIR under the NDPS Act.

Meanwhile, the petitioner is directed to join the investigation on or before 27.01.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C. Even thereafter, they will appear as and when called by the Investigating Agency. The petitioners are also directed to surrender their respective passports.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 27.02.2023. ”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel has filed status report dated 11.09.2023 in connected case i.e. CRM-M-1261-2023. The relevant paragraphs No.10 and 11 thereof read thus:

“10. That after conducting the investigation, the Special Investigation Team submitted its report dated 15/06/2023 before the SSP, District SAS Nagar with the findings that the dispute in the present case pertains to be of civil nature and thus, recommended to submit the cancellation report in the present case/FIR No. 532 (supra).

11. That after approval of the aforesaid report of the Special Investigation Team by the SSP, District SAS Nagar, the cancellation report was prepared in the present case/FIR on

05/09/2023, which is pending codal formalities and shall soon be presented before the Ld. Court of competent jurisdiction on completion of the codal formalities.

4. Learned State counsel on instructions from SI Darshan Singh affirms the factum of joining the investigation by the petitioner and had cooperated with the investigating agency. He also submits that he is not required.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 24.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

11.09.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No