

**2023:PHHC:074210**

**208/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-3990-2023**

**Date of Decision: 22.05.2023**

**SUSHIL KUMAR KAMBOJ AND ANR ... PETITIONERS  
VS.  
STATE OF PUNJAB .. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr.Anureet S. Sidhu, Advocate  
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

\*\*\*\*\*

**VIVEK PURI, J.(ORAL)**

1. On 25.01.2023, the following order was passed:-

“The petitioners are seeking anticipatory bail in the case bearing FIR No. 0137 dated 05.10.2022 under Sections 406, 420 and 120-B IPC registered at Police Station Ghanaur, District Patiala.

Learned counsel for the petitioners contend that there are allegations to the effect that a sum of Rs.30 lac was deposited by the complainant in the account of SS Farm ( later on named as Shroomery Organic). The version of the complainant is to the effect that the complainant shall be taken as a partner to the extent of 1/3rd share. Both the petitioners and the complainant were partners to the extent of 1/3rd share each in the partnership firm and the partnership deed, Annexure P-2, was also reduced into writing on 08.08.2020. The JCB machine, car etc. which have been allegedly sold were in fact on rent with the aforesaid partnership concerned. The partnership firm was running in losses on account of Covid-19 Pandemic and the remedy, if any, with the complainant is to seek dissolution of partnership and rendition of accounts. The execution of the partnership deed and specifying the share of the complainant is

indicative of the fact that the amount was not received by the petitioners by playing any deception. Furthermore, coaccused, though not on parity, has been granted interim bail in terms of the order dated 19.01.2023 passed in CRM-M-2751-2023.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 22.05.2023.

In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

To be heard alongwith CRM-M-2751-2023.”

- 2. Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.
- 3. Learned State counsel, on instructions from ASI Baljinder Singh, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioners is not required.
- 4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 25.01.2023, vide which the petitioners have been granted interim bail, is made absolute.
- 5. Petition is allowed.

22.05.2023  
smriti

(VIVEK PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No