

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-10582-2023 (O&M)

Date of decision: 19.04.2023

N JANARDAN NAIDU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Gursimran Singh Bhatia, Advocate
for the complainant.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.255 dated 24.12.2021, registered under Section 406 IPC at Police Station Division E, District Amritsar.

On 01.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.255 dated 24.12.2021, registered under Section 406 IPC at Police Station Division E, Amritsar.

Learned counsel contends that as per agreement (Annexure P-2), the complainant was appointed as Super Stockiest by the company, of which the petitioner is proprietor. As per the said agreement, there was no clause that the unsold goods could be returned. However, the complainant has returned some goods but they were sent back to the complainant through courier. The agreement also contains an arbitration clause. Complainant is also stated to have initiated proceedings under Section 138 of the Negotiable Instruments Act. The dispute is purely civil in nature. He further submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion for 11.04.2023.

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

of the complainant.

Meanwhile, the petitioner is directed to join the investigation on or before 07.03.2023. 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.

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.”

Learned counsel for the petitioner submits that in pursuance of order dated 01.03.2023, of this Court, the petitioner has not only joined investigation but has 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.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

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 01.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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.

(AMAN CHAUDHARY)
JUDGE

April 19, 2023

M.Kamra

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No