

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-10857-2023
Date of decision: 06.07.2023

Inderjeet Tiwari

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A. P. S. Sandhu, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. Dheeraj Mahajan, Advocate
for the complainant

AMAN CHAUDHARY. J.

1. On 27.04.2023, 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 of FIR No.23 dated 13.02.2020, registered under Sections 467, 468, 471, 420, 120-B IPC at Police Station Mokhampura, District Police Commissionerate, Amritsar.

Learned counsel contends that the petitioner had introduced the complainant who is his family member, to a company in Delhi for supply of goods, including shoes and school uniforms. Admittedly, the consignment was received by the complainant after the payment was directly made by him into the account of the company, M/s New Wear Enterprises at Delhi. However, the quality of goods was not up to the mark and dispute ensued between them. The petitioner had received Rs.90,000/- as brokerage for the payment of bills. His brother namely Kanwaljit Singh, against whom similar allegations are levelled, has already been granted anticipatory bail by the trial Court vide order dated 22.07.2020, Annexure P3. He further submits that the consignment was received by the complainant on 11.01.2019, however, the FIR was lodged after 9 months. Insofar as the non-existence of the company in Delhi is

concerned, he submits that the inspection was carried out in 2020 by the police, however, the company was operating till November 2019 and the bills were not fake. On the other hand, the petitioner had lodged an FIR at Jaipur against the complainant on account of the fact that he had made a payment of Rs.10 lacs on behalf of the complainant to M/s Manvi Enterprises in Jaipur, which were due from him. He submits that he received a sum of Rs.40,000/- i.e. in relation to the transaction with M/s Manvi Enterprises besides the brokerage money. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

The petitioner is directed to join the investigation on or before 04.05.2023. 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.

Adjourned to 06.07.2023. ”

2. Learned counsel submits that in pursuance of the above 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 on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. 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 27.04.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5. 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.

(AMAN CHAUDHARY)
JUDGE

06.07.2023
Mehak

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