

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16024 of 2021 (O&M)

Date of decision: 25.09.2023

Neha Bhatia and Ors

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gautam Dutt, Advocate for the petitioners.
Mr. Mohit Kapoor, Addl.AG, Punjab.
Mr. R.S. Bains, Sr. Advocate with
Ms. Aarushi, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.353 dated 11.12.2020 under Sections 420,120-B IPC registered at Police Station Division No.5, District Police Commissionerate Ludhiana.

2. Vide order dated 09.04.2021, while noticing the following submissions made by the learned counsel for the petitioners, a Coordinate Bench of this Court, issued notice of motion for 15.07.2021 and stayed the petitioners' arrest till that date:

“Learned senior counsel appearing for the petitioners inter alia contends that the petitioners have been falsely implicated in this case due to inter-se litigation pending between the complainant and the petitioners; the petitioners have no other criminal case pending against them; the present FIR has been lodged after an unexplained delay of about five years; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the dispute raised therein is civil in nature and this fact

is acknowledged by the complainant himself as he has filed a civil suit qua the issue raised in the FIR; such civil suit filed by the complainant is still pending and during pendency of such civil suit the present FIR is not maintainable; the District Attorney had given an opinion that the FIR be not lodged as the same pertains to a civil dispute between the parties but later without any justifiable reason changed such opinion; the petitioners have never entered into an agreement with the complainant and such fact would be decided in the civil proceedings pending between the parties and that the petitioners are also ready and willing to join the investigation as and when called by the investigating agency.”

3. On 13.02.2023, while noting the following submission of learned State counsel, concession of anticipatory bail was granted to the petitioners by the Coordinate Bench of this Court and they were directed to join the investigation:

“It has been submitted by the learned State counsel that the specimen signatures of the petitioners have been procured but some documents are required to be recovered. The arrest of the petitioners has been stayed and there is no specific direction for them to join the investigation.”

4. On the last date of hearing, learned counsel appearing for the complainant had opposed the prayer made by learned counsel representing the petitioners on the ground that the petitioners were involved in a number of criminal cases of similar nature. In the circumstances, learned State counsel had been directed to get necessary instructions qua the criminal antecedents of the petitioners.

4. Learned State counsel, on instructions from HC Ravinder Pal Singh, has informed the Court that the petitioners are not involved in any other criminal case much less a case of similar nature. He also does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating

agency. He, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 13.02.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

**CRM No.16525 of 2021, CRM No.14375 of 2022,
CRM No.14375 of 2022 & CRM No.40460 of 2023**

Since the main case has been disposed of, no further orders are required to be passed in the present applications.

Disposed of accordingly.

September 25, 2023
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(MANJARI NEHRU KAUL)
JUDGE

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

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