

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

CRM-M-15216-2023

Date of decision : 12.07.2023

SURESH PANDAY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion on 27.03.2023, the following order was passed :-

“The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking grant of anticipatory bail to the petitioner in FIR No. 223, dated 26.08.2022, under Sections 420, 120-B of the Indian Penal Code, 1860 (hereinafter referred to as ‘IPC’) (Sections 406, 467, 468, 471 and 506 IPC added later on), registered at Police Station Division No. 6, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner has contended that neither the petitioner has been named in the FIR nor any specific role is coming forth even during subsequent investigation. Even otherwise the dispute relates to one purchase order regarding purchase of cycle parts worth `2,79,216/-, given by the co-accused namely Ramesh Kumar to the firm of the complainant. It is also submitted on the part of the petitioner that offences mentioned in the FIR are not made out from the plain reading of FIR, as the basic ingredients of inducement on the threshold of entering into the contract while placing the order is not made out.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab

accepts notice on behalf of respondent-State and seeks time to get instructions in the matter.

Considering the afore-said facts and circumstances, the petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer/Investigating Officer. He is also directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Adjourned to 12.07.2023.”

Today, Ld. State Counsel on instructions from ASI Gurpal Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

That apart counsel for the petitioner submits that no active role has been attributed to the petitioner in whole of the FIR and the only thing that has come against him is of alleged connivance without even specifying as to what constituted such connivance.

Mr. Aggarwal also does not dispute that there is no allegation in the FIR however he submits that the petitioner has been nominated in the Disclosure Statement suffered by the co-accused.

In the circumstances, order dated 27.03.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

The petitions stands disposed off.

July 12, 2023

Dpr

(Pankaj Jain)

Judge

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