

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

204

**CRM-M-19833-2022 (O&M) with
CRM-M-26054-2022 (O&M)
Date of Decision:25.01.2023**

**Varun Muteja @ Sunny
Vs.
State of Punjab**

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.P.S. Deol, Sr. Advocate with Mr. Vishal R. Lamba,
Advocate for the petitioner in CRM-M-19833-2022.

Mr. Gurvinder Singh, Advocate for
Mr. Randeep Singh, Advocate for
the petitioner in CRM-M-26054-2022.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Nand Lal Sammi, Advocate for
Mr. Hitesh Kumar Sammi, Advocate for
the complainant.

DEEPAK GUPTA, J.

CRM-38511-2022 in CRM-M-19833 of 2022:

This application is filed by the father of the deceased to implead him as respondent No.2. Learned counsel for the petitioner appended his no objection. Application is allowed as prayed for.

Father of the deceased namely Shri Lalit Kumar be impleaded as respondent No.2. Amended memo of parties has been taken on record.

CRM-M-19833 of 2022 and CRM-M-26054-2022:

In both the petitions, prayer has been made for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.76 dated 21.04.2022 registered at Police Station City Rajpura, District Patiala.

**CRM-M-19833-2022 (O&M) with
CRM-M-26054-2022 (O&M)**

Fir was lodged on the basis of statement made by Shri Lalit Kumar on 20.04.2022, as per which his son namely Jatin Arora (since deceased) was working with owner of Binny Electronics, Rajpura. Said Jatin Arora left home on 27.01.2022 but did not come back. His dead body was recovered on 02.02.2022. Deceased had left the job at Binny Electronics about 20-25 days prior to the date of his leaving home and he used to remain under pressure. On inquiry, it was revealed to the complainant that Binny Electronics owner namely Varun Muteja @ Sunny (petitioner in CRM-M-19833-2022) had levelled allegations of misappropriation of money. Though the issue was settled and the complainant had paid an amount of ₹1,23,300/- to petitioner Varun Muteja but he along with Baljinder Singh (petitioner in CRM-M-26054-2022) in connivance with others used to threaten deceased Jatin Arora, due to which he was disturbed.

It is submitted by learned counsel for the petitioners that though the deceased had left home on 27.01.2022 as per the own version given in the FIR and his dead body was found on 02.02.2022, the FIR has been lodged on 20.04.2022 i.e. more than 2 months later. Still further, deceased had left the job from Binny Electronics owned by petitioner Varun Muteja 20-25 days prior to his leaving home. Still further, it is conceded in the FIR itself that complainant had given ₹1,23,300/- to the petitioner Varun Muteja due to misappropriation of the amount by the deceased. It is urged that no element of abetment is present in order to attract Section 107 or 306 of the Indian Penal Code, 1860.

Vide order dated 10.05.2022, notice of motion was issued and

**CRM-M-19833-2022 (O&M) with
CRM-M-26054-2022 (O&M)**

in the meantime, petitioner namely Varun Muteja was directed to join the investigation and in the meantime, was allowed interim bail. The other petitioner Baljinder Singh was also admitted to interim bail vide order dated 08.06.2022 and was directed to join the investigation.

Today it is informed by learned State counsel that both the petitioners have since joined the investigation and are no longer required for further investigation.

However, petition for the anticipatory bail is opposed by learned counsel for the complainant. An application bearing No. CRM-38514-2022 has also been moved to cancel the interim anticipatory bail. In the said application allegations are made as to how the false allegations of misappropriation of funds were being made by the petitioner(s) against the deceased. Effort has also been made to explain the delay in lodging the FIR.

After hearing learned counsel for both the parties, I find it to be a fit case to grant anticipatory bail. As rightly pointed out by learned counsel for the petitioner(s) there is a long delay in lodging the FIR. Deceased had left the job 20-25 days prior to his leaving home. Since complainant i.e. father of deceased himself deposited the amount with the petitioner, it indicates that there was some misappropriation of the funds by the deceased. It will be debatable and a moot point as to whether the allegations made in the FIR attracts Section 306 of the IPC. Petitioner(s) have already joined the investigation.

Considering all the aforesaid circumstances, the interim bail earlier granted to both the petitioner(s) is hereby made absolute.

**CRM-M-19833-2022 (O&M) with
CRM-M-26054-2022 (O&M)**

However, petitioner(s) shall continue to join the investigation if
and so required by the Investigating Officer.

Both the petitions are disposed of accordingly.

A copy of this order be placed on the case file of connected
case.

January 25, 2023
Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No