

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

101+206 (3 Cases) CRM-M-25650-2022 (O&M)  
Date of Decision: 29.03.2023

Kiran Gupta ...Petitioner

Versus

State of Punjab ...Respondent

With

CRM-M-26031-2022 (O&M)

Ajay Kumar Gupta ...Petitioner

Versus

State of Punjab ...Respondent

And

CRM-M-26214-2022 (O&M)

Gautam Gupta ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Kanav Bansal, Advocate for the petitioners  
(in all petitions)

Mr. Amish Sharma, AAG, Punjab  
(assisted by ASI Najar Singh)

Mr. Vaibhav Bhargav Advocate for  
Mr. Gaurav Datta, Advocate for the complainant

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**JAGMOHAN BANSAL, J. (ORAL)**

1. Through this common order, CRM-M-25650-2022, CRM-M-26031-2022 & CRM-M-26214-2022 are disposed of as both are

interconnected and are arising out of same FIR. For the sake of convenience, facts are borrowed from CRM-M-25650-2022.

2. The petitioner through present petition under Section 438 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of anticipatory bail in FIR No.114 dated 15.04.2022 under Sections 406 & 498-A of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

3. On 28.10.2022, the following order was passed:-

*"Issue notice to the newly impleaded respondent in CRM-M-25650 of 2022.*

*Mr.Gaurav Datta, Advocate and Mr.Vaibhav Bhargav, Advocate have put in appearance on behalf of the complainant in all cases and have filed separate 'Vakalatnamas', which are taken on record.*

*Report has been received from the Mediation Centre that mediation proceedings did not fructify.*

*Upon instructions from ASI Nazar Singh, State counsel submits that gold articles weighing more than 500 grams are to be recovered from the petitioners.*

*Petitioners are directed to join the investigation on 03.11.2022 at 10.00 A.M., at Police Station Mandi Gobindgarh, District Fatehgarh Sahib and cooperate with the Investigating Agency. In the event of arrest, petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They*

*shall also abide by the conditions as specified under Section 438(2) Cr.P.C.*

*List on 16.02.2023.*

*Photocopy of this order be placed on the files of connected cases.”*

4. On 24.02.2023, the following order was passed:-

*“Learned State counsel submits that as per his instructions, the petitioners have not joined the investigation.*

*Learned counsel for the petitioner on being confronted with this fact submits that they have already joined investigation. He further submits that they have brought articles in the Court which may be handed over to the Investigating Officer or complainant. He submitted list of gold articles to State counsel which are in their custody.*

*Without going into controversy of joining investigation, the petitioners are directed to appear before Investigating Officer on 27.02.2023 along with gold articles.*

*Learned counsel for the petitioners has handed over original Aadhaar Card, Passport, Driving Licence, Cheque Book and Debit Card to the counsel for the private respondent who in turn handed over the same to the private respondent who is present in Court.*

*Learned counsel for the private respondent submits that petitioners are having original MBA Degree of the complainant, however, they are not*

*handing over the same to her inspite of handing over all other original documents.*

*On being confronted with this fact, learned counsel for the petitioner submitted that they do not have original degree of the complainant and she had taken away while leaving the home. The complainant with Investigating Officer may come to their home and carry out search to find out her gold articles as well as MBA degree.*

*The Investigating Officer along with complainant, counsel of the complainant and counsel of the petitioner today would visit house of the petitioners. The complainant, in the presence of these persons, may carry out search of any part of the residence of the petitioners to find out her degree as well as gold articles except articles which petitioners have disclosed in the list handed over to the learned State counsel. The entire exercise would be completed before 7:00 PM.*

*Adjourned to 29.03.2023.*

***Interim order to continue.***

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

*Copy of this order be supplied to the parties under the signature of Bench Secretary of this Court.”*

5. Learned counsel for the petitioners submits that in terms of afore-stated order, complainant along with police officials had visited house of the petitioners and attempted to find out her documents.

6. Learned State counsel, on instructions from ASI Najar Singh, confirms the afore-stated fact and submits that nothing was recovered from the house of the petitioners. He further submits that petitioners have joined investigation and no further custodial interrogation is required.

7. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 28.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

Pending applications also stand disposed of.

8. If the petitioners or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)  
JUDGE

29.03.2023  
Mohit Kumar

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |