

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-24692-2023 (O&M)

Date of Decision:31.07.2023

Harwinder Sethi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by ASI Sudesh Kumar.

Mr. Peeush Gagneja, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

CRM-28031-2023:

This is an application under Section 482 Cr.P.C. moved by
complainant to implead him as respondent No.2.

Allowed as prayed for.

Applicant is permitted to be impleaded as respondent No.2.

Amended memo of parties is taken on record.

CRM-M-24692-2023:

Prayer in this petition is for grant of anticipatory bail under
Section 438 Cr.P.C in case FIR No.39 dated 21.04.2023 registered under
Section 420 of the IPC registered at Police Station D-Division, Amritsar,
District Amritsar.

On 15.05.2023 following order was passed:

*“Petitioner prays for grant of anticipatory bail in case FIR
No.39, dated 21.04.2023, registered at Police Station D-Division,*

Amritsar, District Amritsar, under Section 420 IPC.

As per allegations, complainant Gourav Handa is doing the business of gold for the last 15 years. It is alleged that in the year 2019, petitioner had purchased 833 grams of gold from him, but in the last three years he neither returned the gold nor made the payment.

Learned counsel for the petitioner has rightly pointed out although the transaction took place in the year 2019, but the FIR has been lodged on 21.04.2023 and that it is purely a civil dispute. Learned counsel further contends that earlier an FIR No.308, dated 28.07.2019, under Sections 323, 34, 452 and 506 IPC was registered at Police Station Ambala City, in which complainant was one of the accused. Petitioner had got that matter compromised vide Annexure P-3, due to which the complainant was nursing grudge against him and that in collusion with the police, present FIR has been registered.

Notice of motion.

Mr. R.S. Kharia, DAG, Punjab, accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 31.07.2023.

Status report be filed along with para-wise reply of the petition as to what basis the FIR has been lodged as the dispute is purely of civil nature.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

On instructions from ASI Sudesh Kumar, it is conceded by learned State counsel that petitioner has since joined the investigation. In

view of the same and having regard to the factual position noticed earlier on 15.05.2023, the petition is allowed and the order dated 15.05.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 31, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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