

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-25046-2023 (O&M)

Date of decision: 19.07.2023

Shivam Jindal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Manju Goyal, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 17.05.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.17 dated 14.02.2023, registered under Sections 364-A, 386, 342, 120-B, 506 IPC at Police Station Longowal, District Sangrur.

Learned counsel contends that there is contradiction in the present FIR as in FIR No.151 dated 29.10.2022 lodged at the hands of investors of United International Trading Company, the petitioner as well as the complainant in the present case are accused stating therein that the meeting had taken place between the petitioner, complainant and the investors in a hotel in Sangrur, however in the present case the complainant has stated that the said meeting had taken place in a hotel in Bathinda. Petitioner has been granted interim anticipatory bail by this Court vide order dated 05.01.2023, Annexure P-5 in the aforesaid FIR. It is her case that the petitioner had also invested along with other investors in the said Company by taking loan from Bajaj Finance Limited and Aditya Birla Finance Limited, documents regarding the same are annexed as Annexure P-3. The investors had transferred the money in the account of the complainant through an ID created by him that not through the petitioner. He is not involved in any other case, besides the aforesaid FIR and the company that has been created by the petitioner is for providing educational services to students. He is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the

investigation on or before 22.05.2023. In the event of his
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arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 19.07.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from ASI Gurbhachan Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 17.05.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C
5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

July 19, 2023
M.Kamra

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