

205 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-26106-2020 (O&M)

Date of Decision: 05.09.2023

Yashpal Nehra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurvinder S. Sandhu, Advocate, for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
for the respondent.

Mr. S.K. Singla, Advocate, for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.0103 dated 01.08.2020, under Sections 420 and 406 IPC, registered at Police Station Raman, District Bathinda.

2. It transpires that vide order dated 04.09.2020, interim bail was granted to petitioner and the same reads as under:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 0103 dated 01.08.2020 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Raman, District Bathinda.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the complaint of Navjot Singh. In 2018 complainant Navjot Singh and one Gagandeep Singh had entered into partnership with the

petitioner. Prior to entering into partnership the petitioner was running a construction firm under the name of M/s Mehra Construction Company. After entering into the partnership the partners Navjot Singh and Gagandeep Singh with the help of others coerced the petitioner to sign affidavit and other forms for transfer of assets etc. The petitioner made complaints dated 06.06.2019 and 16.04.2019 regarding fraudulent transfers to the police but no action has been taken on the same. False allegations have been levelled against the petitioner. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

Learned Counsel for the petitioner has further submitted on instructions from the petitioner that the petitioner is ready to pay the amount credited to his account from the account of the complainant.

Notice of motion.

Pursuant to supply of advance copy, Mr. H.S. Multani, Asstt. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition and on oral request made by learned Counsel for the petitioner, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

At this stage, Mr. Sherry K. Singla, Advocate has appeared and accepted notice on behalf of respondent No. 2 and undertakes to file his power of attorney in the Registry.

Learned State Counsel and learned Counsel for respondent No. 2 seek time to file reply.

Adjourned to 28.10.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he

shall not be entitled to the protection of interim bail allowed to him ”

3. Thereafter, the interim protection was extended from time to time.

4. Today, learned counsel for the petitioner submits that petitioner has joined investigation on numerous occasions and his custodial interrogation is not required by the Police. He also made reference to orders dated 21.04.2023 and 18.05.2023

5. Learned State counsel, on instructions from ASI Iqbal Singh has not disputed the factum of petitioner having joined the investigation. He, however, submits that liberty be granted that in case further investigation is required, the petitioner be directed to co-operate in the matter.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer while submitting that amount in question has not been refunded by the petitioner.

7. Be that as it may, the petitioner has already joined investigation on various occasions and his custodial interrogation is not required by the police at this stage.

8. In view of the above, interim order dated 04.09.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation. The petitioner shall provide his mobile number as well his passport number to the concerned Investigating Officer.

10. In case of any failure or misuse of the concession, respondent-State shall be at liberty to move an application for cancellation of bail.

11. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
12. Disposed off accordingly.

05.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No