

2023:PHHC:158773

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

207

CRM-M-33648-2023
Date of Decision : **12.12.2023**

ANKIT BANSAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Nikhil Ghai, Advocate,
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Aalok Jagga, Advocate,
for respondent no2.

KULDEEP TIWARI. J.(Oral)

On 25.07.2023, the following order was passed:-

CRM-29015-2023

This is an application for placing on record amended memo of parties as inadvertently Lalit Kumar has been impleaded as respondent No.2 instead of Chandra Shekhar Gaur in the main petition.

For the reasons stated in the application and the same being not opposed by learned State counsel as well as learned counsel for the complainant, same is allowed.

‘Amended memo of parties’ is taken on record, subject to all just exceptions. Registry to take steps accordingly.

Main case

Learned senior inter alia contends that dispute is of civil nature. In any case, he contends further, a bare perusal of the FIR, which has been registered on a police complaint filed by one Chander Shekhar alleging financial irregularities, including payment of illegal gratification to certain employees of a private company M/s Nahar Industrial Enterprises Ltd., neither is the petitioner named therein, in any manner, nor is there any role attributed to him. Merely as a collateral means to cause coercion and mental torture to father of petitioner, who has been named in the FIR, petitioner is sought to be arrested. Further argues that, in any case, the prime accused, who have caused wrongful loss to the company and have been attributed with the direct role in the

commission of the offence, as stated in the FIR, are already under arrest

Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to file report qua the role attributed and/or disclosure if any, during course of investigation. On a Court query, learned State counsel on instructions from SI Gurpartap Singh informs that even challan has been presented qua those accused, who are currently in judicial custody, as aforesaid.

Learned counsel for the complainant/respondent No.2 also causes appearance and accepts notice.

Post it on 31.08.2023.

In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, learned State counsel submit hat in compliance of the aforesaid order the petitioner has already joined the investigation and he has fully cooperated with the investigation process and he is not required for any further custodial investigation.

3. On the other hand, learned counsel for complainant/respondent no.2 opposes the grant of relief asked for in the petition by the petitioner.

4. Since this Court has already granted the anticipatory bail to the co-accused Naresh Kumar alias Naresh Kumar Bansal in CRM-M-26308-2023, vide order dated 22.11.2023, the petitioner also being on the same footing deserves the grant of relief.

5. Therefore, considering the parity as well as the specific stand of the prosecution agency that he is not required for any custodial

interrogation, the present petition is allowed and order dated 25.07.2023.
is, hereby, made absolute.

December 12, 2023
dharamvir

(KULDEEP TIWARI)
JUDGE

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