

CRM-M-35175-2023 (O&M)

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296(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35175-2023 (O&M)

Date of Decision: 12.12.2023

MAHESH GARG

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manish Jain, Advocate for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

Mr. Mohinder Kumar, Advocate
for the complainant/respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 166/2023 dated 07.05.2023 registered under Sections 420 and 120-B of Indian Penal Code at Police Station Islamabad, District Amritsar.

2. On 24.07.2023, following order was passed:

“Learned counsel for the petitioner states that petitioner has been falsely implicated in this case. Petitioner never met or interacted with the complainant. Also submits that complainant, being an influential person in Amritsar, got the FIR registered against the petitioner. He further contends that there is no agreement/ document to substantiate the fact that there was any business relationship between petitioner and complainant.

Notice of motion.

Learned State counsel, on advance service of petition, accepts notice on behalf of respondent-Punjab and seeks time to file status report. Learned counsel also causes appearance on behalf of respondent No.2

Post it on 27.09.2023.

Meanwhile, petitioner shall join the 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 Arresting Officer till the next date of hearing, on furnishing adequate personal bonds to his satisfaction. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

3. Learned State counsel has filed status report dated 27.09.2023 by way of affidavit of Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar City, which is taken on record. Registry is directed to tag the same at the appropriate place. Further, on instructions from ASI Kans Raj, he submits that in compliance of order dated 24.07.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 24.07.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

(HARPREET SINGH BRAR)
JUDGE

12.12.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No