

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41395-2023
Date of decision: 06.11.2023

Ramandeep SinghPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Vaibhav Katoch, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Salil Dev Singh Bali, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
17	02.04.2023	406, 420, 506, 120-B IPC	Khui Khera, District Fazilka

2. It is, *inter alia*, contended by learned counsel for the petitioner
that in compliance to the order dated 19.09.2023, the petitioner has joined
the investigation. The said order is reproduced below: -

*“Status report dated 12.09.2023 filed by way of
affidavit of Assistant Inspector General of Police, Crime
Zonal, Amritsar, on behalf of the State-respondent is
taken on record. Copy thereof has been supplied to
learned Senior Counsel for the petitioner.*

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2. *It is, inter alia, submitted by learned Senior Counsel for the petitioner that the present case was registered against the petitioner by his father, who happens to be the proprietor of the Firm. He further submits that due to some family dispute, present FIR has been registered against the present petitioner pertaining to the allegations of which only a civil dispute qua rendition of the bank account is attracted.*

3. *Learned Senior Counsel submits that the inquiry into the allegations was conducted and even a cancellation report was approved by the Senior Superintendent of Police, Fazilka, and it is on the complainant moving another representation that the present investigation is going on. He further submits that the allegations of misappropriation have been exaggerated and in fact all the record of the Firm, as has been claimed to be required for the investigation of the case as per the reply submitted by the State is in the possession of the complainant himself. He further submits that the petitioner is ready to join the investigation.*

4. *Learned State counsel assisted by learned counsel for the complainant have assailed these arguments by submitting that notices under Section 41-A of the Cr.P.C were sent to the petitioner but he has not joined the investigation. It is submitted that the petitioner, being the son of the complainant, has misappropriated the assets of the Firm and has also*

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withdrawn money from the Bank accounts after filing the cheques which were duly signed by the complainant. As such, his custodial interrogation is required.

5. *After hearing the rival contentions and perusing the record, the petitioner is directed to join investigation within seven days from today and in the event of his arrest, the petitioner is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to compliance of the conditions as envisaged under Section 438(2) Cr.P.C.*

6. *Adjourned to 17.10.2023.”*

3. Learned State counsel on instructions from DSP, Sanjeev Kumar, BOI, Amritsar, intimates the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation but the details of the amount spent has not been mentioned by the petitioner, hence, the anticipatory bail granted vide order dated 19.09.2023 may not be confirmed.

4. After considering the rival contentions and considering the fact that since the Investigating Officer, i.e. DSP, Sanjeev Kumar, BOI, Amritsar, has categorically given the statement before the Court that the petitioner has already joined the investigation and is no more required for

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further interrogation, consequent to the order dated 19.09.2023 passed by this Court, interim bail granted vide order dated 19.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future, by way of written notice, for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 5. The petition stands allowed.
- 6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.11.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes/No |