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

CRM-M-48606-2023

Date of Decision: 11.12.2023

Rohit and another

...Petitioners

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Narinder Kumar Vadehra, Advocate for the petitioners.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. After arguing at length, learned counsel for the petitioners does not press the present petition qua petitioner No.2.
2. Dismissed as not pressed qua petitioner No.2.
3. In case, petitioner No.2 surrenders within a period of one week from today, his bail application shall be disposed of, expeditiously by the concerned Court, in accordance with law.
4. The petitioner No.1 has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.40 dated 20.06.2018, registered under Sections 420, 406, 120-B of IPC and Sections 465, 467, 468 and 470 of IPC, at Police Station Dorangla, Tehsil and District Gurdaspur.
5. Learned counsel for petitioner No.1 submits that in the present case, earlier Special Investigation Team (SIT) was constituted and vide report dated 20.11.2018, the SIT had recommended to file a cancellation report. He further contends that Rohini Mahajan and Sunita, who are also similarly placed with the present petitioner No.1, have also been granted the concession of anticipatory bail vide order of the even date. He further contends that the petitioner No.1 had 5% share in the sheller and had never actively participated in the business of the firm. He further contends that the allegations were primarily levelled against Arun Mahajan and Karan Mahajan. He further

contends that Karan Mahajan has already been granted the concession of regular bail by this Court.

6. On the other hand, learned State counsel has opposed the prayer made by learned counsel for petitioner No.1 and submits that serious allegations have been levelled against the present petitioner No.1.

7. I have heard learned counsel for the parties and perused the record.

8. Petitioner No.1 is similarly placed with Rohini Mahajan and Sunita, who have already been granted the concession of anticipatory bail by this Court. Even otherwise, the petitioner had not actively participated in the affairs of the firm and his custody may not be required, at this stage.

9. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

11.12.2023
hemlata

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