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

**CRM-M-56938-2022 (O&M)
Date of Decision: 03.05.2023**

Anshuman Kalia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Ashna Singh, Advocate for
Ms. Tanu Bedi, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, A.A.G., Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.206, dated 03.08.2022 (Annexure P-4), registered under Sections 409, 120-B of the Indian Penal Code, 1860 (offences under Section 420 IPC added later on), at Police Station Division No.8, Police Commissionerate Jalandhar, District Jalandhar.

2. On 22.12.2022 the following order was passed by Co-ordinate Bench of this Court :-

“Status report by way of affidavit of the Assistant Commissioner of Police (North), Jalandhar, dated 22.12.2022, has been filed in Court today, which is taken on record.

Learned counsel for the petitioner has submitted that in fact it was a case where a specific resolution was passed by the

Society which is so attached with the paper-book at page No. 110 and is a part of Annexure P-8 wherein a specific authorisation was given to the petitioner for using the amount for the purpose of construction. She has submitted that even if some amount has been transferred in the name of the petitioner, would not raise any inference or any assumption that it was being embezzled whereas it was for the purpose of either reimbursement or in advance payment for the purpose of construction. She further submitted that be that as it may, the petitioner is ready and willing to join investigation and shall also cooperate with the investigation process in all respects since the entire evidence is based upon documentary evidence.

In view of the above, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.

Adjourned to 03.05.2023.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.
4. Learned State counsel on instructions from ASI Fagir Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 22.12.2022 passed by Co-ordinate Bench of this Court is made absolute.
7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

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8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.
10. The petition is accordingly disposed of.
11. Pending application(s), if any, stands closed.

03.05.2023
Himani

(HARSH BUNGER)
JUDGE

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