

CRM-M-55303-2023
Date of decision: 11.12.2023

....Petitioner

State of Punjab

...Respondent

Present: Ms. Puja Chopra, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

On 06.11.2023, the following order was passed:-

Learned counsel for the petitioner, inter alia, contends that the present dispute is an outcome of the agreement dated 20.08.2022 (Annexure P-2). It is further contended that the complainant and the company namely MC Haqson's Pvt. Ltd., in which the petitioner is working, have entered into the aforesaid agreement for becoming stockiest of the

products of the said company. The issue involved in this case is purely of civil nature and the company through its authorized officer has already filed a civil suit bearing No.CS-713 of 2023 for permanent injunction in the Civil Court at Patiala against the complainant, a copy of which is attached with the instant petition as Annexure P-3. Notice for appearance in the said civil suit was issued on 29.04.2023 and as a counter-blast to the same, the present FIR is lodged against the petitioner herein, who is neither the executor nor is the signatory of the agreement dated 20.08.2022.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondentState and opposes the prayer for grant of anticipatory bail to the petitioner.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 22.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the

CRM-M-55303-2023

-3-

petitioner in investigation, in terms of the order of this Court.

Adjourned to 11.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. '

Learned State counsel on instructions from ASI Lakhvir Singh, at the very outset informs the Court that the petitioner has joined the investigation on 18.11.2023 and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 06.11.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No