

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

205

CRM-M-60652-2022 (O&M)

Date of decision: 20.07.2023

Bhupinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.S. Siwach, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Varinder Arora, Advocate for respondent Nos.2 to 4

AMAN CHAUDHARY. J.

1. On 14.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.108 dated 08.11.2022, registered under Sections 408 and 420 of IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the company in question has neither lodged any FIR nor filed any civil suit for recovery of the amount which the petitioner was allegedly liable to deposit with the company in the year 2018 whereas the FIR has been lodged after a delay of 3 years in 2022. The document, which is being relied upon by the complainant, disputed by him and even otherwise it relates to the year 2019. The alleged agreement is also between the petitioner and the other employees of the company, who are the complainants but is regarding the transaction of amount not with the company, and is at best a civil dispute. As per settled law criminal proceedings cannot be resorted to as mode or recovery. He submits that the petitioner is ready to furnish all documents which are in his possession including receipt book, if any, with the investigating officer and he is ready and willing to join investigation as and when required by the investigating agency.

The petitioner is directed to join the investigation on or before 22.03.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the

Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 20.04.2023.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 14.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

20.07.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No