

CRM-M-58456-2023 (O&M)

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRM-M-58456-2023 (O&M)
Date of Decision: 20.12.2023

VEER BALA TRIPATHY

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. ADS Sukhija, Advocate and
Mr. Satpal Bhasin, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

Mr. Mohit Uppal, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 97 dated 27.07.2023 registered under Sections 420, 494, 506 and 120-B of Indian Penal Code at Police Station Banur, District Patiala.
2. On 20.11.2023, following order was passed:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.97 dated 27.07.2023 under Sections 420/494/506/120-B of IPC registered at Police Station Banur, District Patiala (Annexure P-1).

Learned counsel for the petitioner inter alia contends that there is a dispute between the complainant and her husband. The present FIR has been lodged on the allegation that the petitioner has replaced the complainant as Director of the Company for which the proceedings before the National

Company Law Tribunal (NCLT) at Chandigarh are pending. Earlier the complainant has given one complaint to SHO, Mangol Puri, North West, Delhi on 09.02.2023 on similar allegations and now the present FIR is lodged at Police Station Banur on the same allegations.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, puts in appearance and accepts notice on behalf of the respondent-State.

At this stage, Mr. Mohit Uppal, Advocate puts in appearance on behalf of the complainant and files vakalatnama in the Court today which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

Learned counsel for the complainant opposes the grant of anticipatory bail to the petitioner on the ground that the complainant has paid Rs.50 lakhs to the petitioner through the Bank and Rs.40 lakhs has been paid in cash.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 28.11.2023 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 petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.12.2023.

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.”

3. Learned State counsel on instructions from ASI Ram Kishan, submits that in compliance of order dated 20.11.2023 passed by this Court, the petitioner has joined the investigation on 27.11.2023 and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 20.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.
6. Pending CRM(s), if any, are also disposed of accordingly.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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