

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2460-2024
Date of decision: 22.05.2024

KAMAL DEV CHAUHANPETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. P.S. Ahluwalia, Advocate and
Ms. Bhavi Kapur, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Saurabh Sharma, Advocate for
Mr. Anurag Arora, Advocate for the complainant.

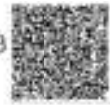
SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
211	11.10.2023	420 and 120-B of IPC	Tibba, District Police Commissionerate Ludhiana

2. Learned counsel for the petitioner submits that in compliance to the order dated 19.01.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 19.01.2024.

3. Learned State counsel, on instructions from SI Sukhpal intimates the Court that the petitioner has joined investigation and is



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neither required for further investigation nor for any custodial investigation.

4. During the course of hearing on 19.01.2024, following order was passed:

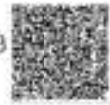
“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He further contends that as per the case of the complainant, Rs. 80.00 lacs were paid out of which Rs. 60.00 lacs were paid from the account of the complainant, while Rs. 20.00 lacs were paid from the account of the 3rd party, namely Nitin Jain, for allotment of shares, however, the shares to the tune of Rs. 60.00 lacs were allotted to the petitioner and to the complainant as on account of contribution paid through 3rd party account, no share could be allotted and after registration of the FIR, this amount of Rs. 20.00 lacs was returned.

3. Learned counsel for the petitioner further contends that the dispute arising out of the Company Act, had to be dealt with under the provisions made therein and the petitioner had been through out on interim bail after filing of the bail application in the Court of learned Additional Sessions Judge, Ludhiana, i.e. from 18.10.2023, till the disposal of the bail application i.e. 11.01.2024 and prays for concession of anticipatory bail.

4 Notice of motion.

5. On the asking of the Court, Mr. Gurpreet Singh Sandhu, DAG, Punjab, present in Court, accepts notice on behalf of the Staterespondent and prays for time to file the status report/reply in the matter.

6. Mr. R.S. Rai, Sr. Advocate with Mr. Farhad Kohli, Advocate, has entered appearance and has assailed the version



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given by learned counsel for the petitioner, to submit that once Rs. 80.00 lacs were paid by the complainant for allocation of the shares as per the agreement dated 11.07.2022 (Annexure P-4), the petitioner was bound to allot the shares and he with the intent to defraud has intentionally reduced the number of shares allocated to the petitioner which adversely affects the production capacity of the complainant.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. Till then, (since the petitioner has already joined investigation), in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 19.01.2024 passed by this Court, interim bail granted vide order dated 19.01.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.



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7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

22.05.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |