

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-4116-2024 (O&M)
Date of Decision: 26.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Grewal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 0003 dated 02.01.2024 registered under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code at Police Station Panchkula Sector-5, District Panchkula.
2. On 25.01.2024, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0003 dated 02.01.2024 under Sections 420/467/468/471/120-B of IPC registered at Police Station Panchkula, Sector 5, District Panchkula (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the entire loan amount has been repaid by the petitioner and his account has been closed by the complainant-Bank on 23.11.2023 as discernible from Annexure P-2 which is the certificate issued by the Regional Manager of the complainantBank and thereafter, due to malafide, the present FIR was lodged on 02.01.2024.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma,

DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*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 within two weeks from today 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/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 26.02.2024.

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 Nirmal Singh submits that in compliance of aforesaid order, the petitioner has joined the investigation, however, he is required for further investigation as well.

4. In view of the above, the order dated 25.01.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C. and he is directed to join the investigation as

and when called upon to do so.

5. The petition is accordingly allowed.

26.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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