



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

**KESHAV MITTAL** **...PETITIONER**

STATE OF HARYANA AND ANR. ... RESPONDENTS

Present: Mr. Parveen Sharma, Advocate for the petitioner(s).  
Mr. S.S. Pannu, Addl. A.G, Haryana.  
Mr. Mayank Aggarwal, Advocate for the complainant.

**SANDEEP MOUDGIL, J (ORAL)**

2. Learned counsel for the petitioner contends that at the relevant time i.e. in the month of September, 2022 the petitioner was not partner of the firm R.N. Rice Unit and he became partner of the said firm only on 22.11.2022.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State.

5. Learned counsel for the private respondent-complainant and learned State Counsel has argued that the assertion of the petitioner is incorrect while relying upon the General Power of Attorney which is



notorized on 03.10.2022 and Retirement cum Admission Partnership Deed i.e. Annexure R-1 and R-2 respectively along with an application form 'B' Rule 17(6) seeking licence under Section 10, under category 5 (1).

6. On perusal of the aforesaid documents relied upon by the private respondent, it is evident that the General Power of Attorney nowhere refers to the fact that the petitioner became partner with General Power of Attorney with Vijender and Mamtesh. Similarly, Retirement cum Admission Partnership Deed does not bear the date given by the notary who has put his seal and there is no date mentioned under the signature on the said document. Further, the application under Section 10 for licence alleged to have been applied by the petitioner also sans any date and this very fact is countered by counsel for the petitioner by producing registration certificate which was registered on 22.11.2022 and on the strength of that document, he submits that there is no role which can be assigned to him since he was not partner in September, 2022 in R.N. Rice Unit.

7. Be that as it may, the documentary evidence is the material which needs to be examined by police. The Court is of the view that the custodial interrogation of the petitioner is not required at this stage and this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.



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8. Further, in light of the above, considering the fact that the incriminating document and record pertains to the partnership of the petitioner as well as the other business transactions conducted by RN Rice Unit, no fruitful purpose would be served by keeping the petitioner into custody who is ready to join the investigation.

9. Hence, in view of the admitted set of circumstances before this Court and in a bona fide attempt to check the conduct of the petitioner, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

10. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

11. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)  
JUDGE

03.07.2024  
anuradha

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