

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-11011-2024

Date of decision: 09.04.2024

KAVINDER GAMBHIR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.K. Saini, Advocate for the petitioner.

Mr. Avinash Jain, DAG, Haryana.

Mr. Vikram Singh, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e on 01.03.2024, the following order was passed:-

"Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.1052 15.12.2023, under Sections 406 and 506 of IPC, registered at Police Station Camp Palwal, District Palwal.

The allegations against the present petitioner are that the complainant had purchased a goods container from M/s Radiance Taper Pvt. Ltd., for an amount of ₹18,71,350/- out of which the complainant had paid ₹18 lacs to the petitioner through his bank account and when the actual goods were delivered, it was found to be 800 kgs less, which were to the tune of ₹8 lacs. However, due information was given to the employee of the aforesaid company, but neither the deficient goods were supplied, nor the money was returned. On the basis of the above mentioned allegations, the instant FIR has been registered.

Learned counsel for the petitioner submits that the instant case

is a pure business transaction and the criminal proceeding has been launched against the petitioner, just to make the recovery of money.

Notice of motion for 9.4.2024.

On the asking of the Court, Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of the State of Haryana.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C."

2. Learned counsel for the petitioner submits that in pursuance of the order dated 01.03.2024, the petitioner had joined the investigation.
3. Learned State counsel, on instructions from the SI Vinay Pal, submits that the petitioner had joined the investigation, but he did not cooperate with the Investigating Officer, as he has not deposited the remaining amount of Rs.8 lacs. Since the petitioner had already joined the investigation, and the instant petition cannot be converted into a suit of recovery, therefore, the interim order dated 01.03.2024, is hereby made absolute.
4. The petitioner is further directed to keep on joining the investigation, as and when called by the Investigating Officer.
5. It is upon the Investigating Officer to file an appropriate application, in case the petitioner did not join the investigation, as and when called upon.

09.04.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No