

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

Date of decision : 29.04.2024

1. CRM-M-18093-2021

Avtar Singh Petitioner
versus

State of Punjab Respondent

2. CRM-M-19639-2021

Sanjeev Kumar Petitioner
versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.S. Brar, Advocate
for the petitioner in CRM-M-18093-2021.

Mr. Hitesh Ghai, Advocate
for the petitioner in CRM-M-19639-2021.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Amaninder Preet, Advocate
for the respondent-MARKFED.

PANKAJ JAIN, J. (Oral)

1. On 23.07.2021, following order was passed in CRM-M-18093-2021:-

“This is an application for placing on record the documents i.e. Annexures P-7 to P-12 moved on behalf of the petitioner-accused.

Let written response to such application and documents sought to be placed on record by the petitioner-accused especially Annexures P-7 to P-12, be given.

Learned senior counsel states that the petitioner is ready and willing to join the investigation and he

be given an opportunity to do so that has been done in the connected petition filed by Sanjiv Kumar, coaccused of the present petitioner.

After considering such request of learned senior counsel for the petitioner and response given by the State counsel on instructions from ASI Kewal Singh, I find that it would be appropriate and proper if the petitioner is allowed to do so.

Accordingly, the petitioner is directed to join investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. The petitioner has to surrender his Passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. The next date of hearing is fixed as **20.09.2021**. If, in the meanwhile, he is arrested, he be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.

The State may file detailed reply to the main petition on that date.”

2. On 18.05.2021, following order was passed in CRM-M-19639-2021:-

“It is submitted by the counsel for the petitioner that the allegations against the petitioner are totally concocted. Rather it was the petitioner who has pointed out to the District Manager that the bills were not being prepared properly by the concerned branch and that there can be a problem of reconciliation of the bills at a subsequent stage. It is only after the petitioner had flagged this issue that the entire fraud committed by another official has come to light. It is further submitted that the petitioner has not made any bogus entry of any kind during the tenure of his posting as Accountant in the concerned office.

Notice of motion.

Mr. P.S. Walia, AAG, Punjab accepts notice on behalf of the State.

Adjourned to 23.7.2021.

In the meantime, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Today, Mr. Amaninder Preet, Advocate has appeared on behalf of MARFED and submits that he has got instructions in terms of order dated 15.02.2024 to submit that the inquiry initiated by the department qua the same transaction against the petitioners is pending.

4. Counsel for the petitioners submits that the petitioners have joined investigation and have not been summoned in last 02 years.

5. Mr. Aggarwal, on instructions from ASI Rajinder Pal, does not dispute that the petitioners have indeed joined investigation and further submits that the custodial interrogation of the petitioners is no more required. As per Mr. Aggarwal, Managing Director has remanded the inquiry back.

6. In view of above, the interim order dated 23.07.2021/18.05.2021 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of

any other incident that involves commission of an offence.

8. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
9. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
10. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
11. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
12. Disposed off accordingly.
13. A photocopy of this order be placed on the files of other connected cases.

(PANKAJ JAIN)
JUDGE

29.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No