



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-17752-2024

Date of Decision : May 16, 2024

AMIT PANDA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gurbhej Singh, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 23.4.2024, the following order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks grant of anticipatory bail, in case FIR No.128 dated 27.05.2022, under Section 420 of the IPC, registered at P.S. Sadar Mansa, District Mansa.

2. The genesis of the present FIR can be traced to a complaint made by one Roop Singh. The relevant extract of the said complaint, as narrated in paragraph No.3 of the order dated 03.04.2024, whereby, the learned Additional Sessions Judge, Mansa, has declined to grant anticipatory bail to the petitioner, is extracted hereinafter:-

“...Roop Singh moved a complaint to the police to the effect that he is proprietor of M/s Roop Agriculture Works and is manufacturing agriculture implements at Mansa since 2011. He is selling his products throughout India and also to Kriti Bidhan Enterprises, Kriti Bidhan Agro sales and Ganpati Engineering



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Company. Amit Panda is partner/proprietor of the said firms and induced him to open his office at Bhawanipatna District Kalanhandi (Orissa) for expanding of the business and he opened his office and got GST number from the Government. After some time, he realized that opening of office at Bhawanipatna is not profitable for him as there was no increase in the sale. All the sale and purchase was made from Mansa and no transaction was done from office at Bhawanipatna except one transaction. Office at Bhawanipatna was opened by him on the inducement of Amit Panda. GST number was obtained from there and address was also given of M/s Kritibidhan Enterprises. Password of GST was also with Amit Panda. While filing Income Tax Return for the year 2019-2020, he came to know that Amit Panda made transactions of sale purchase under GST certificate of his firm from Odisha Branch, whereas he had not made any transaction except one from there. GST password was given in good faith to Amit Panda and he committed breach of trust, cheated him and caused wrongful loss to him. Intention of Amit Panda was fraudulent from the very beginning. He has not deposited/paid GST with the Government as per law....

”

3. On the last date of hearing, i.e. 09.04.2024, this Court had directed the learned State counsel to place on record a reply, detailing therein the incriminatory material, as collected by the investigating agency against the petitioner. Today, though a status report dated 22/23.04.2024 has been filed by the learned State counsel, however, its perusal reveals that, except making reproduction therein of the allegations levelled by the complainant, it does not embody the details of any incriminatory material, which could substantiate the allegations against the petitioner and ably warrant his



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custodial interrogation.

4. *One of the grounds taken by the learned State counsel, who is assisted by the learned counsel for the complainant, pertains to failure of the petitioner to join the investigation, despite him being served with notice(s) under Section 41-A of the Cr.P.C.*

5. *Faced with the above situation, the learned counsel for the petitioner has submitted that the petitioner is ready and willing to join the investigation, besides is also ready to submit the entire documentary evidence/record(s), which the prosecution claims to be available with him.*

6. *In view of the above, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. He is also directed to hand over the entire relevant record(s) available with him to the investigating officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.*

7. *It is clarified that, in case, the petitioner fails to join the investigation, or, fails to hand over the entire relevant record(s) to the investigating officer, then the interim protection granted hereinabove would not be extended beyond the next date of hearing.*

8. *At this stage, the learned State counsel seeks liberty to file additional reply, in case, any incriminatory evidence is collected against the petitioner, by the investigating agency, during investigation.*

9. *Request of the learned State counsel is allowed.*

10. *List on 16.05.2024.”*

2. Today, the learned State counsel on instructions imparted to him by HC Roop Singh, submits that the petitioner has already joined the



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investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 23.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

May 16, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No