

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18944-2023
Date of decision : 05.03.2024

MEENU PAUL KHANNAPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Madan Gupta, Advocate and
Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Akshay Jain, Advocate,
Mr. Munish K. Garg, Advocate,
Ms. Sakshi Tanwar, Advocate and
Mr. Vikas Mehra, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 19.04.2023, the following order was passed :-

“1. Petitioner is seeking anticipatory bail in case bearing FIR No.167 dated 04.04.2023 under Sections 406, 420 & 506 IPC, registered at Police Station Urban Estate Hisar, District Hisar.

2. Briefly, as per the allegations of the complainant he was running a jewellery shop in the name and style of Modi Sons Jewellers and was having business transactions with the petitioner who is running a concern under the name and style of M/s Le Khanna Jewellers Ludhiana. The petitioner had taken golden jewellery weighing 1493 gms from the complainant and is not making the payment and has also refused to return the same. 3.

Learned counsel for the petitioner contends that in fact the petitioner had purchased the golden jewellery worth Rs. 6,88,882/- from the complainant in terms of invoices, Annexures P-4 and P-5. As per the ledger account of the complainant, only a sum of Rs.

6,08,882/- is due payable and the petitioner is ready and willing to pay the said amount to the complainant -concern. It has been further submitted that the dispute between the parties is civil in nature.

4. Notice of motion.

5. Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

6. Mr. Akshay Jain, Advocate has put appearance on behalf of the complainant and contends that there is audio recording indicating that the petitioner has admitted his liability with regard to the payment of the amount pertaining to 1493 gms of gold and furthermore, the ledger being maintained by the complainant indicates the transfer of the golden jewellery to the complainant.

7. On a query, learned counsel for the complainant concedes that there is no bill, invoice, receipt etc. with regard to the passing of the golden jewellery to the extent of 1493 gms to the petitioner.

8. Learned State counsel also seeks adjournment to verify with regard to the audio recording and get instructions and submit the reply.

9. Adjourned to 04.08.2023.

10. Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

11. It has been further directed that the petitioner shall hand over a demand draft in the sum of Rs. 6,88,882/- in the name of the concern of the complainant during the course of investigation which may be passed on to the complainant.”

2. Today, Ld. State Counsel submits that the petitioner has joined investigation and has also complied with the directions w.r.t. payment of Rs.6,88,882/-. However, Mr. Jain appearing for the complainant submits

that the FSL report w.r.t. the voice of the recorded conversation is yet to be received.

3. In the considered opinion of this Court, so far as the FSL report w.r.t. the audio conversation between the parties is considered, it will be subject matter of the trial.

4. Since the petitioner has joined investigation and primarily the matter relates to the monetary dispute, without commenting on the merits of the case, order dated 19.04.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting the 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.

6. 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.

7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8. 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.

9. Petition stands disposed off accordingly.

March 05, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No