



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

CRM-M-19918-2024

Date of Decision : 21.08.2024

SANJEEV KUMAR

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vishal Sharma, Advocate for
Mr. M.S.Saini, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 25.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.196 dated 16.11.2023, under Section 420 of IPC, read with Sections 66 (C) and 66 (D) of Information and Technology Act, 2020, registered at Police Station Sadar Hoshiapur, Punjab.

2. Learned counsel for the petitioner submits that the issue involved in the instant petition is, in fact, with regard to the rendition of accounts, between the complainant, and the present petitioner, which has been camouflaged as a criminal offence. Learned counsel for the petitioner further submits that, the petitioner owes an amount of Rs.5,94,430/- towards the complainant.

3. This Court has perused the short reply, as filed on behalf of learned State counsel. A perusal of the same reveals that the petitioner is a proprietor of M/s Kabir Elina enterprises, and is onboard merchant of Phonepe Private Limited, and there is a dispute with regard to 12 transactions amounting to Rs.20,24,080/-.

4. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to

interim bail on his furnishing bail bond 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.

5. List on 21.08.2024. ”

2. Today, the learned State counsel has, on instructions imparted to him by ASI Rashwinder Pal Singh, submits that though pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation, but his custodial interrogation is required for the purpose of ascertaining the *modus* of the crime.

3. This Court has considered the submission made by learned State counsel, however, is unable to agree with his submissions for the reason that the entire case is based upon a documentary evidence. Therefore, the hereinabove extracted interim order dated 25.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

August 21, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No