



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-20465-2024 (O&M)  
Date of decision: 04.07.2024

PARTEK SINGH BHATIA ....Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. J.S. Bhatia, Advocate  
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate for the complainant.

**KULDEEP TIWARI. J.(Oral)**

1. On 30.04.2024, the following order was passed:-

“CRM-18461-2024

*1. As prayed for, the instant application is allowed. The translated copy of complete FIR No.14 dated 21.01.2024, registered at P.S. Civil Lines, Patiala, along with the version of police proceedings, is taken on record as Annexure P-2, and, Partnership Deed dated 06.05.2019 is taken on record as Annexure P-3.*

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*2. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.14 dated 21.01.2024, under Sections 406, 420 and 120-B of the IPC, registered at P.S. Civil Lines, Patiala.*

*3. The learned counsel for the petitioner, in his asking for the relief (supra), has submitted that, just to exert undue pressure, a civil dispute has been camouflaged as a criminal litigation. In fact, no monetary transaction has ever occurred inter se the petitioner and the complainant, rather if any such transaction has occurred, it has occurred inter se the complainant and petitioner's co-accused- Uday Raj Singh Brar. Therefore, if the complainant had any grievance, he could have, at the best, instead of registering the present FIR, instituted a civil suit for*



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*redressal of his grievance, and that too, only against petitioner's coaccused. Moreover, the petitioner does not have any concern with the partnership firm, namely, M/s THE FOOD COMPANY.*

*4. The learned counsel for the petitioner has further submitted that, even if the allegations are taken to be a gospel truth, yet the custodial interrogation of the petitioner is not required, as the case is based upon documentary evidence.*

*5. At this stage, the learned counsel appearing for the complainant has opposed the arguments made by the learned counsel for the petitioner, on the ground that, in the inquiry conducted before registration of the present FIR, there is specific reference of monetary transactions taking place. He has further submitted that the petitioner's co-accused is a habitual offender, as he is involved in a number of cases and he has even been declared a "Proclaimed Offender". Therefore, in case, the petitioner is granted the relief of anticipatory bail, the investigation would become hampered.*

*6. The learned counsel for the complainant has further argued that, although the petitioner has set up a case of complete denial of monetary transactions, however, the Whatsapp chats concerned belie the said defence of the petitioner, inasmuch as, the said chats clearly reflect that there occurred monetary transactions.*

*7. Notice of motion for 21.05.2024.*

*8. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

*9. Be that as it may, since (i) the dispute is primarily civil in nature; (ii) the entire case is based upon documentary evidence; (iii) the offences whereunder the present FIR is registered are punishable upto 7 years; this Court deems it appropriate to grant the asked for relief to the petitioner.*

*10. 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 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.”*

2. Today, the learned State counsel on instructions imparted to him by ASI Jaswinder Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process, however, he has failed to get recovered the cheated amount.
3. Be that as it may be, since the petitioner has joined the investigation, and only because the money could not be recovered, the relief of anticipatory bail cannot be denied to the petitioner, specifically in the light of the facts and circumstances of the case, the present petition is **allowed** and order dated 30.04.2024 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.
4. All pending miscellaneous application(s), if any, stand disposed of accordingly.

04.07.2024  
amandeep

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No