



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-27671-2024

Date of Decision : **September 06, 2024**

AJAY SHARMA ALIAS HONEY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ankush Chauhan, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.
Mr. Madhup Munjal, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.75 dated 27.4.2024, under Sections 420, 120-B IPC, registered at Police Station City Jalalabad, District Jalalabad, Punjab.

2. A co-ordinate Bench of this Court vide order dated 5.6.2024, had passed the following order:-

“1. The petitioner through instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) is seeking anticipatory bail in FIR No.75 dated 27.04.2024 under Sections 420, 120-B of Indian Penal Code, 1860 (for short ‘IPC’) registered at Police Station City Jalalabad, District Jalalabad.



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2. *Mr. Gursahib Singh Hundal, Advocate inter alia contends that petitioner is working with Cars-24, a company which is engaged in the business of trading of old and used cars. The petitioner entered into a deal of car valued ₹6,66,400/-. As per deal, he had to supply car to the complainant. A sum of ₹1.58 Lakhs was transferred to his account and remaining amount was transferred in the account of aforesaid company. Due to misunderstanding, car could not be delivered and complainant has lodged FIR against the petitioner. He is ready to join investigation and willing to pay a sum of ₹2 Lakhs to the complainant though he has received ₹1.58 Lakhs only.*

3. *Mr. Sehajbir Singh Aulakh, Assistant Advocate General, Punjab submits that the matter is under investigation and detail of accounts where money was deposited is with petitioner.*

4. *At the first instance, the petitioner is directed to appear before Investigating Officer on **08.07.2024** at 10:00 AM and thereafter, as directed by him. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.*

5. *If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa/Duty Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

6. *Adjourned to **05.08.2024**.*

7. *The Investigating Officer before the adjourned date would find out role of aforesaid company and in case, it is found that money was never transferred in the account of aforesaid company, the present petition shall be liable to be dismissed on the ground of concealment of material facts.”*

3. A perusal of the order (supra) reflects that on the willingness of the petitioner to pay Rs.2 lacs to the complainant, the co-ordinate Bench of



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this Court draw the order (supra).

4. On 5.8.2024, the learned counsel for the petitioner submits that owing to the confusion in the date, the petitioner could not join the investigation and further, the petitioner is ready and willing to join the investigation and to further abide by his assurance given to this Court regarding deposition of payment of Rs.2 lacs to the complainant. Considering the request made by the learned counsel for the petitioner, one more opportunity was granted to the petitioner.

5. Today, the learned State counsel on instructions imparted to him by ASI Bishan Ram informs this Court that the petitioner has neither joined the investigation, nor has he deposited Rs.2 lacs in favour of the complainant.

6. On the other hand, the learned counsel for the petitioner submits that he has no instructions as the petitioner is no more in touch with his office.

7. It seems that the petitioner is infact playing with the procedure of this Court. Despite giving assurance by the petitioner to this Court twice, he has neither joined the investigation nor has he deposited Rs.2 lacs in favour of the complainant.

8. In view of the above, the instant petition is ordered to be **dismissed**.

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(KULDEEP TIWARI)
JUDGE

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