



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29809-2024

Date of Decision : 17.07.2024

ROHIT JINDAL

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Raj Kumar Gupta, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Lovepreet Singh, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. On 13.06.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.74 dated 15.05.2024, under Sections 406, 420, 506 and 120-B IPC, registered at Police Station Haibowal, District Ludhiana.

2. The prosecution agency has been set into motion on a statement made by one Ridhi Sharma, proprietor of Derrick International, wherein she alleged that they had placed an order of 45 rolls of cloth from M/s Makkhan Knit Fab and gave Rs.50,000/- in advance qua the said order and she paid the remaining amount of Rs.1,92,740/- on 27.01.2023. The accused persons although sent the raw material but the same was defective and the defect was duly informed to petitioner’s co-accused Sudhir Goyal, proprietor of accused firm, who then promised to send proper stock to the complainant and further asked the complainant to return the defective material. Accordingly, the defective material was returned, however, despite that, neither the money has been returned, nor the raw-material has been made available till date.

3. Learned counsel for the petitioner inter alia contends that the petitioner was merely an employee under Sudhir Goyal (co-accused) and the entire payment has also been received by the owner of the firm concerned. He further submits that the petitioner has nothing to do with the exchange of the material. He further submits that the allegations levelled by the complainant do not disclose commission

of any criminal offence, rather makes it apparent that is purely a case of business transaction(s).

4. Notice of motion for 17.07.2024.

5. Mr. Akshay Kumar, AAG, Punjab, accepts notice on behalf of the respondent-State.

6. 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 has, on instructions imparted to him by Inspector Amritpal Singh, stated that though, pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation and has fully co-operated, however, the recovery of disputed amount is yet to be effected.

3. Since the petitioner has joined investigation and solely because the disputed amount has not been recovered, would not disentitle the the petitioner to seek the relief of pre-arrest bail in the facts and circumstances of the present case. Therefore, the hereinabove extracted interim order dated 13.06.2024, 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.

July 17, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No