



CRM-M-32726-2024

1

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

201(1)

CRM-M-32726-2024

Date of Decision: 27.11.2024

GAURAV GARG

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. G.S.Ghuman, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J (ORAL)

1. Vide order dated 11.07.2024, this Court had granted interim bail to the petitioner and directed him to join investigation. The same is reproduced as under:-

“ The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.152 dated 11.06.2024 under Sections 406, 420, 465, 468, 471 of IPC, 1860 registered at Police Station Kharar, District SAS Nagar.

*Learned counsel for the petitioners inter alia submits that the allegations in the present FIR are against one Amit Kumar, who has already been arrested. Petitioner Gaurav Garg is the brother of said Amit Kumar and petitioner Kajal is the wife of Amit Kumar and both the family members of Amit Kumar have been unnecessarily dragged in. He further submits that neither petitioner Gaurav Garg has any concern nor interest in the property of Amit Kumar and property dealing, if any, is with Amit Kumar. It is further submitted that case was registered without any pre-registration inquiry. No notice under Section 41-A Cr.PC was served which is in violation of guidelines issued in case **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**. A representation is also sent by*



CRM-M-32726-2024

2

father of Amit Kumar regarding financial dealing between Amit Kumar and relative of senior police officer at the helm of affairs of District SAS Nagar, Mohali where FIR was registered.

Notice of motion for 18.11.2024.

Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of the State. She submits that notice were sent to petitioners after registration of the case but they were not found present at the house.

Mainly allegations are against Amit Kumar and the petitioners are family members of said Amit Kumar. No amount has been paid to the petitioners. Notice, if any, sent was never served upon petitioners.

The petitioners are directed to join investigation as and when called by SHO/Investigating Officer and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner(s) shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner(s) shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner(s) shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.

A photocopy of this order be placed on the file of other connected case.”

2. Status report by way of affidavit of Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Kharar-I, District SAS Nagar has been filed by the learned State counsel and the same is taken on record. She further submits that in compliance of order dated 11.07.2024, petitioner has joined investigation and he is not required for any custodial interrogation.

3. I have heard learned counsel for the parties.

**CRM-M-32726-2024****3**

4. In view of the fact that the petitioner has joined investigation and his custodial interrogation is not required, the order dated 11.07.2024 granting interim bail to the petitioner is made absolute. The petitioner shall abide by the conditions as laid down under Section Section 438(2) Cr.P.C in letter and spirit.

5. Petition stands disposed of accordingly.

27.11.2024*renu***(GURBIR SINGH)
JUDGE****Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No**