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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-34629-2023
Date of decision : 29.04.2024

Sunil Kumar Chaturvedi Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Anjali Khosla, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Shivya Sehgal, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 20.07.2023, following order was passed:-

“Apprehending his arrest in FIR No. 0138 dated 22.06.2023 for offences punishable under Sections 406, 420 IPC, 1860 registered at Police Station City Moga, District Moga, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the plea with respect to the petitioner owing certain amounts to the complainant as a distributor has been made for the first time in the FIR. Indeed, the relationship between the parties is only to the effect that there was a dispute between the son of the petitioner as well as the complainant which purportedly was settled by agreement dated

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27.9.2017 wherein the petitioner in order to assure payment of the money that the son owed to the complainant issued certain cheques which admittedly have got dishonoured. So far as offence under Section 406/420 IPC is concerned, the same is not made out against the petitioner.

Notice of motion.

Mr. Tarun Aggarwal, Senior DAG., Punjab who is present in Court accepts notice.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

To come up on 18.09.2023.”

2. Today, learned State counsel, on instructions from ASI Ajit Singh, has stated that pursuant to the order dated 20.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. Ms. Shivya, counsel appearing for the complainant has opposed the bail eloquently claiming that the petitioner was also involved in the offence. However, she is not in a position to dispute that the primary relationship of the complainant was with son only.

4. In view of above, the interim order dated 20.07.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

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5. This order should not be treated as "blanket" order. It will not be read granting petitioner 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.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
8. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
10. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

29.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No