



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33370-2024

Date of Decision : **August 13, 2024**

ASHOK GOGNA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rahul Sharma-I, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mrs. Ritam Aggarwal, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 16.7.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.122 dated 08.06.2024, under Section 420 of the IPC, registered at P.S. City Phagwara, District Kapurthala.

2. The learned counsel for the petitioner submits that, in fact, a monetary dispute has been camouflaged as a criminal litigation. The complainant Lalit Sharma and his partner Om Parkash Jain are moneylenders and they lent a total loan of Rs.47,00,000/- to the petitioner. All these loan transactions were facilitated by one Rajan Sharma. The petitioner has, w.e.f.



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18.01.2022 to 16.01.2024, already returned an amount of Rs.50,34,475/- to the complainant Lalit Sharma and his partners- Om Parkash Jain and Balwinder Singh. However, despite disclosing the details of repayment of loan amount to the complainant, the police has registered the instant FIR. The complainant has, instead of recouring the provisions of civil law, has instituted the present criminal proceedings.

3. Lastly, the learned counsel for the petitioner submits 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.

4. At this stage, Mrs. Ritam Aggarwal, Advocate, records her appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today. She opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has cheated the complainant, inasmuch as, despite executing an agreement to sell in respect of the property in question in favour of the complainant, the petitioner sold it to some other person.

5. Notice of motion for 13.08.2024.

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

7. Be that as it may, since (i) the dispute is prima facie civil in nature; and (ii) the entire case is based upon documentary evidence; this Court deems it appropriate to grant the asked for relief to the petitioner.

8. Therefore, 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



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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 the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 16.7.2024, 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.

August 13, 2024
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(KULDEEP TIWARI)
JUDGE

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