



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34843-2024
Date of Decision:20.08.2024

Shivam Dhawan ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1 The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.134 dated 30.06.2024 registered under Sections 420,406 of IPC and under Section 24 of the Immigration Act, Police Station Dasuya, District Hoshiapur (Annexure P-1).

2. While issuing notice of motion, this Court had noticed the following contentions:-

Learned counsel for the petitioner submits that the maximum sentence provided by the statute in the present case is seven years and the police wants to arrest the petitioner illegally by overlooking the mandate of law, laid down by the Hon’ble Supreme Court in the matter of “Arnesh Kumar Vs. State of Bihar, 2014 8 SCC 273”.

He further contends that as per the case of the complainant, the petitioner had issued a cheque of Rs.6 lacs and without prejudice

to his rights to raise a defence before the Trial Court, the petitioner shall deposit a sum of Rs.6 lacs with the Trial Court subject to outcome of the trial. Learned counsel further contends that the dispute primarily pertains to financial transactions between the parties and is of civil nature. He further contends that in the facts and circumstances of the present case, the custodial interrogation of the petitioner may not be required.

3. Learned counsel for the petitioner submits that in compliance of the interim order dated 23.07.2024, the petitioner has deposited an amount of Rs.6 lacs with the Area Magistrate/Trial Court and has joined the investigation.
4. Learned State counsel on instructions from ASI Suresh Kumar also submitted that the petitioner has joined the investigation and is no longer required for further investigation.
5. In view of the above statement made by learned State counsel, the interim order dated 23.07.2024 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr. PC.

20.08.2024

hitesh

Whether speaking/reasoned

Whether reportable

(N.S.SHEKHAWAT)

JUDGE

: Yes/No

: Yes/No