



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

CRM-M-37583-2024

Date of Decision : **October 01, 2024**

RAJESH KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S.Bawa, Advocate for
Mr. Ramandeep, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. Kavinder S. Chhibber, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On 5.8.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.123 dated 04.06.2024, under Sections 406 and 420 of the IPC, registered at P.S. Patran, District Patiala.

2. The learned counsel for the petitioner inter alia submits that it is purely a case of business transaction, which has been given the colour of a criminal offence, and



CRM-M-37583-2024

-2-

that, criminal proceedings cannot be used as a tool to recover sums of money involved in a business transaction. He further submits that the petitioner is ready to join the investigation and to cooperate with the investigating agency.

3. At this stage, Mr. Kavinder S. Chhibber, Advocate, records his appearance on behalf of the complainant, under a validly executed Vakalatnama, instituted before this Court today, and, opposes the grant of anticipatory bail to the petitioner, on the ground that, a huge amount has been cheated by the petitioner from the complainant.

4. Notice of motion for 01.10.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of 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 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 further custodial interrogation.



CRM-M-37583-2024

-3-

3. In view of the above, the hereinabove extracted interim order dated 5.8.2024, 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.

October 01, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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