



CRM-M-38988-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-38988-2024
Date of Decision : 11.11.2024

Sushil Kumar Singla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Sushma Suman, Advocate for
Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. This Court, on dated 12.08.2024, 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.296 dated 15.07.2024, under Sections 406 and 420 of the IPC, registered at P.S. City Kaithal, District Kaithal.*
- 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 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. Tarun Sharma, 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 is to be recovered from the petitioner/his co-accused.

4. Notice of motion for 22.10.2024.

5. Mr. Rajesh Gaur, Addl. A.G., Haryana, waives service of notice on behalf of the respondent-State. He is directed to file a reply, on affidavit of a responsible functionary, detailing therein the reasons for registration of the present FIR, besides detailing therein, whether there is any ingredient which renders the present allegations to be a cognizable offence.

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 on instructions imparted to him from the Investigating Officer concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined the investigation. He further submits that though the petitioner has joined the investigation, but the amount in dispute, is yet to be recovered.

3. The proceedings of the anticipatory bail cannot be converted into suit for recovery of any amount. Therefore, this Court is of the view that solely, the non-recovery of the disputed amount, does not disentitle the petitioner, seeking grant of relief of anticipatory bail.

4. In view of the above, the hereinabove extracted interim order



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.”

5. 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.
6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

November 11, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No