

2024:PHHC:122462



CRM-M-39791-2024
Date of decision: 17.09.2024

....Petitioner.

Versus

...Respondents.

Present:- M/s Vijay Lath and Ajay S. Dhiman, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Ms. Ravisha Mahajan, Advocate,
for Mr. Surinder Sharma, Advocate
for respondents No. 2 and 3.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks
anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0148	02.10.2023	420, 406, 120-B IPC	Nangal, District Rupnagar, Punjab

2. Learned counsel for the petitioner submits that in compliance to the order dated 29.08.2024, the petitioner has joined the investigation.

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3. During the course of hearing on 29.08.2024, following order has been passed: -

‘Status report dated 28.08.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Nangal, District Rupnagar, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and is not named in the FIR but has been nominated on the statement of one of the victim namely Karnail Singh. He contends that the petitioner is not the beneficiary of the transaction as the investment was made with the company by the victim and in fact the petitioner himself is one of the sufferer on account of the misdeeds of the company. He contends that in the meanwhile the petitioner has effected compromise with the victim Karnail Singh vide Annexure P-11. The petitioner is not having any criminal antecedents and is ready to join the investigation.*

4. *Learned State counsel, by referring to the reply, has not disputed the factual matrix and on instructions from ASI Sushil Kumar, present in Court, who happens to be the investigating officer of the case, admitted the fact that the petitioner has been nominated on the statement of aforesaid Karnail Singh.*

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5. *Learned counsel appearing on behalf of counsel for the complainant/respondents No.2 and 3 has admitted the factum of compromise (Annexure P-11) having been effected between the parties.*

6. *In these circumstances, without commenting on the merits of the case, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482 (2) of BNSS, 2023.*

7. *List on 17.09.2024.'*

4. Learned State counsel on instructions received from ASI Sushil, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.08.2024 passed by this Court, interim bail granted vide order dated 29.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by

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Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.09.2024
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(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No