



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-42279-2024

Date of Decision : **October 23, 2024**

NAVNEET SURI

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Deepender Pratap Singh, Advocate for
Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Pankaj Chandgothia, Advocate
for respondents No.2 and 3.

KULDEEP TIWARI, J. (Oral)

1. On 10.9.2024, this Court had passed the hereinafter extracted
order, upon the instant petition:-

“CRM-36555-2024

*1. As prayed for, the instant application is
allowed. Copy of complaint bearing No. NACT/814/2022,
under Section 138 of the Negotiable Instruments Act, is
taken on record as Annexure P-4, subject to all just
exceptions.*

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*2. Through the instant petition, as instituted
under Section 438 of the Cr.P.C., prayer is made for grant
of anticipatory bail to the petitioner, in case FIR No.84*

dated 21.10.2023, under Sections 406 and 420 of the IPC, registered at P.S. Dhakoli, District S.A.S. Nagar.

3. The learned counsel for the petitioner, by placing reliance upon Annexure P-4, wherein becomes enclosed a complaint filed against the petitioner by the present complainant under Section 138 of the Negotiable Instruments Act, submits that the allegations voiced in the present FIR are identical to the ones voiced in Annexure P-4. Therefore, once the complainant has opted to recourse the statutory remedy under Section 138 of the Negotiable Instruments Act, hence registration of the present FIR is a sheer abuse of the process of law.

*4. The learned counsel for the petitioner also places reliance upon a judgment rendered by the Hon'ble Supreme Court in case titled as **"J. Vedhasingh V/s R.M. Govindan and others"**, Law Finder Doc Id # 2023077, to submit that the issue regarding maintainability of parallel proceedings under the I.P.C. as well as under Section 138 of the Negotiable Instruments Act has already been referred to a Larger Bench.*

5. Lastly, the learned counsel for the petitioner submits that the offence(s), whereunder the present FIR has been registered, prescribes maximum punishment of 07 years. Moreover, since the petitioner is ready to join the investigation and to cooperate with the investigating officer, therefore, his custodial interrogation is not required.

6. Notice of motion for 23.10.2024.

7. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent No.1-State of Punjab.

8. 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 filed the reply to the instant petition, the same is taken on record. He submits on instructions imparted to him by the official concerned, 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.

3. At this stage, the learned counsel for the respondent-complainant submits that there is one more complaint pending against the petitioner under Section 138 of the Negotiable Instruments Act, 1881, and despite issuance of warrants against him, he is not causing appearance in that private complaint.

4. Learned counsel for the petitioner submits that the petitioner undertakes to cause appearance before the learned trial Court concerned where the complaint under Section 138 of the Negotiable Instruments Act, 1881, is pending within 20 days from today and file his regular bail application.

5. In view of the undertaking given by the learned counsel for the petitioner, the hereinabove extracted interim order dated 10.9.2024, 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.”

6. 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.

7. It is further made clear that in case the petitioner fails to appear before the learned trial Court concerned in pursuance of the issuance of warrants in a private complaint (supra) within 20 days from today, this petition would be deemed to be dismissed without any further reference to this Court.

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

October 23, 2024
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(KULDEEP TIWARI)
JUDGE

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