



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-44109-2024
Date of Decision : 22.10.2024

DIVYAM SHARMA
.....Petitioner(s)
VERSUS
STATE OF PUNJAB
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vipin Kumar, Advocate for
Mr. Ravi Malhotra, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. A.S.Khinda, Advocate, for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 06.09.2024, 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.208 dated 03.08.2024, under Sections 457/380 of the IPC, registered at P.S. City Kapurthala, District Kapurthala.
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 there is nothing available with the prosecution to substantiate the allegations that petitioner has ever borrowed goods from the complainant.
3. At this stage, Ms. Navjot Kaur, Advocate, who records her appearance on behalf of the complainant, under a validly executed Vakalatnama, opposes the grant of anticipatory bail to the petitioner.
4. Notice of motion for 30.09.2024.
5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
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 482(2) of the B.N.S.S., 2023.

7. To be heard along with CRM-M-41583-2024.”

2. Upon the petitioner joining the investigation, but not co-operating with the investigating agency, which led this Court to pass the order dated 30.09.2024, directing him to re-join the investigation and to fully co-operate.

3. 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) has joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 06.09.2024, 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.”

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.
7. All pending application(s), if any, also stand **disposed** of accordingly.

October 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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