

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

105 CRM-M-49422-2023  
Date of Decision : February 12, 2024

HIMANSHU THAKKAR -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurpreet Singh, Advocate and  
Mr. Jaskaran Singh, Advocate  
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Umesh Goyal (Complainant in person).

\*\*\*

KULDEEP TIWARI, J. (ORAL)

1. On 29.09.2023, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

*“Prima facie, it appears to be a case of business transaction which later turned sour. Both sides seem to have suffered major financial loss qua the supply of goods (Areca nuts, a perishable commodity if not preserved properly) undertaken by the complainant. It transpires that the cheque for an amount of Rs.18 lakh was also issued in favor of the complainant which however got dishonored. Pursuant thereto, primary proceedings under Section 138 of Negotiable Instruments Act are also going on. And yet, arising out of the same transaction, FIR in question has also been collaterally registered at the instance of the complainant.*

*Be that as it may, at this stage, it is not be possible to ascertain the criminal culpability, even though, prime facie it does appear to be a case of civil dispute/business transaction between the parties herein, for which they are at liberty to sue for*

*damages.*

*Notice of motion.*

*On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of the respondent-State of Haryana and seeks time to file reply.*

*Adjourned to 14.11.2023.*

*In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”*

2. Today, the learned State counsel, on instructions imparted to him by A.S.I. Naveen Kumar, has informed this Court that despite notice(s) being issued to the petitioner, in compliance of the hereinabove extracted directions, thereby asking him to join investigation, he has failed to join investigation, and, even his address, as furnished in the instant petition, is also incorrect. Therefore, there is every likelihood that the petitioner is trying to flee from the clutches of law, inasmuch as, he is evading to join investigation.

3. Upon this, the learned counsel representing the petitioner submits that he does not have any instructions from his client, as he is unable to contact his client for the past 2/3 months.

4. Considering the hereinabove described mistrustful act of the petitioner, inasmuch as, despite grant of interim protection from arrest to him, yet he has failed to abide by the hereinabove directions of this Court

and has evaded his participation in investigation, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed**, and, the hereinabove extracted interim order dated 29.09.2023, as made by a Co-ordinate Bench of this Court, is hereby vacated.

February 12, 2024  
devinder

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No