



CRM-M-47768-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision : October 22, 2024

RAJESH KUMAR ALIAS RAJESH VINAYAK**-PETITIONER****V/S****STATE OF PUNJAB****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vipul Aggarwal, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 24.09.2024, Hon'ble the Chief Justice of this High Court had passed the hereinafter extracted order, upon the instant petition:-

"The petitioner, who is aged about 43 years, apprehends his arrest in FIR No. 82 dated 04.09.2024 for the offences punishable under Sections 406 and 420 of the Indian Penal Code registered at Police Station Bhargo Camp, District Police Commissionerate, Jalandhar, for criminal breach of trust and cheating arising out of certain instances of payment of cheques for purchase of gold and thereafter the cheques having been dishonoured.

2. Learned State counsel informs that there are no criminal antecedents of the petitioner. However, learned counsel for the victim informs that a case punishable under Section 174-A of the Indian Penal Code is registered against the petitioner.

3. Considering the aforesaid situation and the fact that the entire transaction has civil undertone, this Court with stringent conditions is inclined to grant the benefit of interim anticipatory bail to the petitioner subject to his furnishing personal bonds for a sum of Rs. 5 lacs with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join



investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

4. This order shall also remain subject to the following condition:-

i) The petitioner shall plant 10 saplings of indigenous plants at a public place and submit proof in that regard by way of photographs before the Registry before the next date of hearing, failing which the Registry is directed to place the matter before the appropriate Bench where the Bench may consider recall of the order.

5. List on 22.10.2024.”

2. Today, the learned State counsel, on instructions imparted to him by A.S.I. Pushpinder Pal Singh, has stated that pursuant to the making of the hereinabove reproduced order, the petitioner had joined investigation and he is no longer required for further custodial interrogation.

3. The learned counsel for the petitioner has also placed on record photographs showing that the petitioner has, in compliance of the directions embodied in the hereinabove reproduced order, planted 10 saplings of indigenous plants at public place(s). Moreover, this fact is not disputed by the learned State counsel.

4. In view of the above, the hereinabove reproduced interim order dated 24.09.2024 is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner shall not commit an offence similar to the present offence;

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”



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5. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.

October 22, 2024
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(KULDEEP TIWARI)
JUDGE

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