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

CRM-M-55101-2024

Date of Decision: 10.12.2024

Ankit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bisman Mann, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

Ms. Pranjili Garg, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 20.11.2024, 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., prayer is made for grant of anticipatory bail to the petitioner, in FIR No.312 dated 18.07.2024, under Sections 420 and 379 of the IPC, registered at P.S. Zirakpur, District S.A.S. Nagar.

2. Succinctly stated, the allegations against the petitioner are that, he along with his co-accused deceived the complainant on the pretext of purchasing his car, inasmuch as, they fraudulently took away complainant's car without making payment thereof.

3. At the outset itself, the learned counsel for the petitioner submits that, in pursuance to the undertaking given by the petitioner before this Court on 12.11.2024, the custody of the car has been handed over to the investigating officer in P.S. Zirakpur.

4. On the other hand, the learned State counsel, on instructions imparted to him by S.I. Jaswant Singh, submits that, although the petitioner has delivered custody of the car, however, the car was brought on a towing vehicle and the same is not motorable, inasmuch as, important parts thereof

have been taken out. He further submits that, the value of the missing/taken out parts of the car is approx. ₹ 3,50,000/-.

5. *Notice of motion for 10.12.2024.*

6. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

7. *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.*

8. *Moreover, the petitioner is also directed to, at the time of joining investigation, furnish a demand draft of ₹ 3,50,000/-, drawn in favour of the complainant, before the investigating officer.*

9. *It is clarified that, in case the petitioner does not furnish the demand draft (supra), the interim relief granted hereinabove shall stand ipso facto vacated.”*

2. Learned counsel for the petitioner at the very outset submits that the petitioner has joined the investigation but he has not deposited the demand draft of Rs.3,50,000/- in pursuance of the directions issued by this Court vide order dated 20.11.2024, for the reasons that the matter has been compromised, as the petitioner in fact, purchased the car in dispute from the complainant by paying adequate amount.

3. Ms. Pranjili Garg, Advocate cause appearance on behalf of the complainant and filed Power of Attorney, which is taken on record. She admits the factum of compromise and submits that in view of the compromise they do not require the amount of Rs.3,50,000/-.

4. In view of the above, the learned State counsel, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined the investigation and he is no longer required for further custodial interrogation.

5. In view of the above, the hereinabove extracted interim order

dated 20.11.2024, 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

10.12.2024
ajay-1/Parveen kumar

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No