

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60052-2023
Date of decision: 12.02.2024

RAJEEV PUNANIPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Karambir Singh Nalwa, Advocate with
Mr. Jahaan Singh Dhaliwal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Ms. Nevadita, Advocate for
Mr. Abhinav Sharma, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
361	23.10.2023	406, 420, 467, 468 and 471 of IPC.	Sadar, Rohtak, District Rohtak

2. Learned counsel for the petitioner submits that in compliance to the order dated 30.11.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 30.11.2023.

3. Learned State counsel, on instructions from ASI Devi Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

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4. Learned counsel for the complainant, by referring to Annexure P-3, contends that the firm of the petitioner is not registered and has falsely claimed it to be approved firm. The aspect raised by learned counsel for the complainant will be seen during the course of trial.

5. During the course of hearing on 30.11.2023, following order was passed:

“Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case by making flimsy allegations against him. He further submits that in fact the petitioner had supplied the goods to the school of the complainant vide transport bilty (Annexure P-5) dated 13.07.2023 and also e-way bill dated 13.07.2023 (Annexure P-6) and for that purpose, the complainant had issued the cheque No. 867673 dated 13.07.2023 amounting Rs.4,15,328/- and the said cheque, when presented for encashment, had been dishonoured by the Bank. Learned counsel for the petitioner further submits that the petitioner had issued legal notice, but when no action was taken, he had to file the complaint under Section 138 of Negotiable Instruments Act vide Annexure P-11, wherein the complainant had been summoned vide summoning order Annexure P-12 dated 06.09.2023. As a retaliation to the same, the complainant got registered the present FIR by moving the complaint on 23.10.2023 levelling allegation against the petitioner pertaining to the date 13.07.2023 when the articles were supplied by him after unexplained delay. He further submits that the articles already stood supplied to the office of the complainant which are shown in photograph Annexure P-15 and the petitioner has no other case against him.

Notice of motion.

On the asking of the Court, Ms. Gaganpreet Kaur, DAG,

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Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

Adjourned to 19.12.2023.

Needful be done well before the date fixed with an advance copy to the counsel opposite.

In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”

6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 30.11.2023 is hereby confirmed. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

12.02.2024

kanika

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No