



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

299-2

CRM-M-60660-2023 (O&M)

Date of decision: 24.07.2024

Gopal Mittal

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajiv Malhotra, Advocate,
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.208 dated 28.07.2023 under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Siwani, District Bhiwani.

2. On 02.12.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner submitted that in the present case the allegations are purely based upon the breach of contract, if at all is made out and it is a civil dispute which has been given a criminal flavour. He further submitted that there were business dealings with the complainant and the complainant now raised the dispute pertaining to non-payment of money.”

3. Learned counsel for the petitioner submits that in compliance of order dated 02.12.2023, the petitioner has joined investigation and

cooperated with the investigating agency.

4. Learned counsel for the State has submitted that no doubt there were two firms, one each in the name of the mother of the petitioner and another one in the name of brother i.e. co-accused Nitin Mittal and even there were no direct money transactions between the complainant and the petitioner, however, it has been argued by learned counsel that it was the petitioner who had been coordinating the business on behalf of both the firms as there were more than 864 calls with effect from 01.07.2020 to 03.07.2023. On a pointed query as to whether there had been compliance of order dated 02.12.2023, vide which the petitioner was directed to join the investigation, learned State counsel, on instructions, has not disputed that the petitioner has joined the investigation. However, it has been contended that recovery of the mis-appropriated amount has yet not been effected.

5. In view of the above, the petition is allowed and interim order dated 02.12.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

July 24, 2024
poonam

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