

2024:PHHC:149337



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57172-2024
DECIDED ON: 18.11.2024

SUNITA JUNEJA AND OTHERS
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Kundu , Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, has been invoked for the 2nd time seeking the
concession for the grant of anticipatory bail to the petitioners in FIR No.0156 dated
04.08.2024, under Sections 420, 448, 506, 120-B of IPC registered at Police Station
Focal Point, District Police Commissionerate (Punjab).

3. Contentions

On behalf of the petitioners

Learned counsel for the petitioners submits that the dispute between the
parties is civil in nature arising out of a transfer letter cum Standard Operating
Procedure (SOP) in concern of Industrial Plot No.B-60 (C) Phase V, Focal Point
Ludhiana at Punjab Small Industries and Export Corporation Ltd. (PSIEC).

Notice of motion.

On behalf of the respondent/State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State, who could not controvert the fact that the dispute between the parties is civil in nature.

Mr. Naveen Bawa, Advocate has put in appearance on behalf of complainant, who prays for dismissal of the present petition on the ground that the petitioners are habitual offender, as they are involved in other cases also. He further submits that custodial interrogation of the petitioners are required for ascertaining the serial number of the stamp paper, which is alleged to have been forged.

4. Analysis & Decision

Be that as it may, after giving a thoughtful consideration to the submissions made by counsel for the petitioners, particularly to the effect that admittedly the dispute between the parties is civil in nature. As far as the contention on behalf of the complainant with regard to the serial number on the stamp paper is alleged to be forged by the petitioners, is concerned that can be very well ascertained, once the petitioners join the investigation.

As far as the pendency of other cases and involvement of the petitioners in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioners are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to

the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In the light of above, this Court finds no reason to deny the petitioners the concession of anticipatory bail wherein the petitioners have bona fide intentions and are ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

Hence, in view of the admitted set of circumstances before this Court, the petitioners are hereby directed to be released on anticipatory bail subject to their joining investigation and reporting to the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

18.11.2024

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>