

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-64412-2023 (O&M)
Date of Decision: 02.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 200 dated 02.05.2022 registered under Sections 406/420 of Indian Penal Code at Police Station Model Town Rewari.
2. On 20.12.2023, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.200 dated 02.05.2022 under Sections 406/420 of IPC registered at Police Station Model Town Rewari (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner is an erstwhile Director of the Company, namely, M/s Karambhoomi Real Estate Limited and he has already resigned from the Company in the year 2014 which is evident from Annexures P-2 and P-3 and petitioner is not the beneficiary of the alleged investment made by the complainant. He further submits that offences under which the FIR is lodged, are punishable upto seven years.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana who is present in Court, accepts notice on

behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 02.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from SI Giriraj Singh, submits that the petitioner has not come forward to join the investigation.

4. However, learned counsel for the petitioner disputes the aforesaid fact and submits that the petitioner has already joined the investigation but the Investigating Officer is compelling him to confess his involvement in the present case, which would be violative of his fundamental right as

enshrined under Article 20(3) of the Constitution of India.

5. Keeping in view the facts and circumstances of the case, the present petition is disposed with a direction to the petitioner to file an appropriate application before the concerned Illaqa Maigistrate within two weeks, who would then summon the Investigating Officer and direct him to join the petitioner in investigation in terms of the order passed by this Court on 20.12.2023.

6. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

02.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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