



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64823-2024
DECIDED ON: 20.12.2024

PANKAJ SETH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0139, dated 14.12.2023, under Sections 420, 406 IPC, registered at Police Station Division E, Police Commissionerate Amritsar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Application number 275335-PDG dated 13.12.2023, To Respectable Commissioner of Police, Amritsar Subject: - Pankaj Seth and his wife Natasha Seth and mother of Pankaj in connivance with each other stealing our goods, misappropriating it and further giving threats causing loss to life and liberty-Regarding. Sir, It is requested that Satinder Singh Bhatia son of Sh. Jaswant Singh Bhatia am the Partner of Firm Amanat Fabrics Partap Bazaar, Near Darbar Sahib Tehsil and District Amritsar. That I

am the partner in above mentioned firm. That we were sending Suits and Dupattas of the firm for lace work, packaging and for additional work since around last 8-10 years to a person namely Pankaj Seth and his wife Smt. Natasha Seth residents of 15-A, R B. Garden Amritsar and they had taken us in their full confidence. That now they in connivance with each other have misappropriated and stolen around 10,000 suits, Dupattas from the goods sent by us. That now since around 2 months we are demanding our balance cloths, Suit, Dupatta items endearingly by imploring Pankaj Seth and his wife Natasha Seth, That above named Pankaj and his wife are making evasiveness to us are wasting our time. During that time itself we came to know from reliable sources that above named Pankaj Seth and Natasha Seth are selling our items to outer persons. Out of them one shopkeeper lady Sarabjit that at the shop of Chetanpura Nangli items of Amanat Fabric are lying. That upon coming to know by us we in secret manner by becoming a shopkeeper went to said lady Sarabjit at her shop on dated 08.12.2023 and tried to get information of the items lying at her shop then from her we come to now that she is purchasing these items from Pankaj Seth, Natasha Seth and mother of Pankaj Seth name not known since around one and half years. That on dated 09.12.2023 in the afternoon time would be around 03.00 PM, we called Pankaj Seth to our shop and we conducted enquiry regarding our items very endearingly and also tried to get information about the items of Chetanpura and he admitted that he has committed mistake, me and my wife have stolen your goods and have sold it out at Chetanpura and at other place also, we are ready to pay your damages. That when we asked him that your wife also knows about it then he said that I shall call my wife

also and he called his wife and both of them admitted, and compromised that we are ready to pay your damages and you may not initiate any legal action and while referring about their dignity sought 2-3 days time and it was also admitted that we shall sit on dated 12.12.2023 and shall compensate your loss. That on dated 12.12.2023 I called Pankaj Seth on number of times, but he didn't pay any attention rather threatened us further that you may do whatever you wants to, I shall not owe any damages to you, we do not fear from anyone, because we are having links with senior officers and politically, no one can cause any harm to us That above named persons Pankaj Seth, his wife Natasha Seth and his mother unknown in collusion of each other while breaching our trust in business, stolen our goods, and misappropriated it have committed cheating with his I clear manner and now they are not paying any attention. That above named Pankaj Seth, nis wife Natasha who are very tricksters and I have fear that they may play any trick in future also can cause to my firm and my life and liberty. That in case any untoward incidence occurs with me or with my family then above named persons Pankaj Sethi, his wife Natasha Sethi and mother of Pankaj Seth name not known, name and address not known shall be responsible. So kindly a matter of cheating may be registered against above named persons Pankaj Sethi, his wife Natasha Sethi and mother of Pankaj Seth name not known and appropriate action may be initiated under strictest sections of law and loss suffered by us and the goods which are with Sarabjit same may also be recovered and handed over to us and due justice maybe served, we shall be most grateful to you.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the parties have entered into a compromise, as is evident from Annexure P-2 whereafter a petition bearing CRM-M No.1623 of 2024 has also been preferred for quashing of instant FIR, which is now pending for 21.01.2025.

Notice of motion.

On behalf of the State

Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner along with other family members had cheated the complainant by stealing dress material.

4. **Analysis**

Be that as it may, considering the fact that the parties have entered into a compromise, wherein a petition bearing CRM-M No.1623 of 2024 for quashing of the instant FIR has been preferred, there is a strong probability of earning acquittal by the petitioner in the instant FIR before the trial Court. Hence, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by

the terms and conditions as envisaged under Section 482(2) of BNSS, 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 petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

20.12.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No