



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20619-2023
Date of decision: 19.02.2025

YOGESH BAHLPetitioner

Versus

STATE OF U.T. CHANDIGARH AND ANOTHERRespondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sahil Matharoo, Advocate and
Mr. J.S. Sohal, Advocate for
Ms. Neha Matharoo, Advocate for the petitioner.

Mr. Manish Bansal, P.P. U.T, Chandigarh and
Ms. Diksha Sharma, Advocate for U.T. Chandigarh.

Mr. Rajesh Punj, Advocate and
Mr. Sarvesh Rattan, Mr. Sahaj Punj, Advocates
for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
08	12.01.2023	419, 420, 454, 457, 458, 467, 468, 471, 120-B IPC	Central, Sector-17, Chandigarh.

2. Learned counsel for the petitioner submits that in compliance to
the order dated 26.05.2023, the petitioner has joined the investigation.
3. During the course of hearing on 26.05.2023, following order had
been passed: -

“ The instant petition has been filed under Section 438 of the
Code of Criminal Procedure for grant of anticipatory bail to the
petitioner in case FIR No.8, dated 12.01.2023 registered under



Sections 419,420,454,457,458,467,468,471, 120-B of IPC, at Police Station Central, Sector-17, Chandigarh (Annexure P-1).

2. Learned Senior Counsel for the petitioner has argued that the petitioner is innocent, aged about 60 years and has been falsely implicated in this case. He submitted that petitioner had been served with notice under Section 41-A Cr.P.C and he had already joined the investigation and given his thumb impression/finger print as required by the Investigation Officer and thereafter he has never been called but despite that the police is trying to arrest him although the petitioner is always ready to comply with the notice under Section 41-A Cr.P.C. and cooperate with the investigation as he has no previous criminal antecedents. 3. He further submitted that the main accused, as per the FIR namely Devraj Tyagi has already been arrested, taken on remand and has subsequently being released on bail by the trial Court. He submits that apart from main accused namely Devraj Tyagi the police had already arrested two other accused and as such the custodial interrogation of the petitioner is not required.

4. Learned Senior Counsel for the petitioner has also referred to the judgments of Hon'ble Apex Court titled as Siddharth vs. State of Uttar Pradesh (2022) 1 SCC 676, and Satendra Kumar Antil vs. Central Bureau of Investigation (2021) 10 SCC 773 in support of his contentions and prayed for grant of anticipatory bail to the petitioner.

5. On the other hand learned State counsel assisted by learned counsel for the complainant have assailed these arguments and submitted that the petitioner happens to be a trustee of the unlawfully formed trust, namely "Gandhi Smarak Nidhi, Chandigarh" formed without any authority with an intent to siphon of the funds collected for the benevolent cause of original Trust i.e. Gandhi Smarak Nidhi Punjab, Haryana and Himachal Pradesh.

6. They further submitted that the petitioner being trustee had been signing on the cheques issued by such unlawfully formed trust for the purpose of transferring money. They submitted that the accused Devraj Tyagi was having cheque signing authority of the original trust and he transferred 1,00,000/- in the account of the trust ₹ so created by the accused in furtherance of their criminal intention to commit fraud under the name and style of "Gandhi Smarak Nidhi, Chandigarh" which was got registered by the accused at the address of the original trust in order to defraud the benevolent donors to give donations in the aforesaid trust formed by the accused instead of the original trust. It is alleged that the petitioner being a trustee authorized to sign cheques had been issuing the cheques for various transactions and it needs to be interrogated as to whom the amount were so transferred by the accused. As such they prayed for dismissal of the petition.



7. *After considering the rival contentions, it is observed that so far as the arrest, taking on remand and grant of bail to the main accused Devraj Tyagi is concerned the same is not disputed, although it is stated that the State is challenging the order granting bail to him. It is also not disputed that two other accused have also been arrested and that in pursuance to the notice under Section 41-A Cr.P.C., the petitioner had joined the investigation and given his thumb impressions, finger prints etc. on 10.03.2023.*

8. *In the circumstances mentioned above, considering the age and antecedents of the petitioner, it is deemed appropriate and in the interest of justice that before deciding the petition on merits the petitioner should join the investigation and accordingly the petitioner is hereby directed to join investigation within seven days and in the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.*

9. *List on 18.07.2023.”*

4. Learned State counsel on instructions received from S.I. Satish Kumar informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Learned counsel appearing for the complainant has opposed the bail by submitting that the petitioner has transferred the amount in his account fraudulently and the recovery thereof is to be effected and the matter is still under investigation.

6. After considering the rival contentions and perusing the record, it transpires that by way of instant petition the petitioner has sought anticipatory bail in the case FIR (Annexure P-1). During course of proceedings the petitioner was directed to join the investigation and in pursuance thereof, has joined the investigation as mentioned (supra). The learned State counsel on instructions from SI Satish Kumar present in Court has categorically stated that petitioner has already joined the investigation in terms of the order dated



26.05.2023 and he is neither required for any further investigation nor for any custodial interrogation.

7. Be it the case, the contentions of the learned counsel for the complainant seeking dismissal of the bail petition, loose its significance at this stage once the investigating agency has already joined the petitioner in investigation and is of the view that neither his custodial interrogation is required nor is he required for any further investigation, therefore keeping in view the specific submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 26.05.2023 passed by this Court, interim bail granted vide order dated 26.05.2023 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. 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.

8. The petition stands allowed.

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

19.02.2025
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(SANJIV BERRY)
JUDGE

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