



202 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-32138-2024
Date of decision: 28.02.2025

AMAN JAIN

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Ahluwalia, Advocate and
 Mr. Gaurav Jaia, Advocate and
 Mr. Shobhit Phutela, Advocate
 for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.191 dated 01.10.2019 under Sections 406/407/409/467/468/471 of IPC registered at Police Station Ambala Sadar (Annexure P-1).

2. On 27.01.2025, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.191 dated 01.10.2019 under Sections 406/407/409/467/468/471 of IPC registered at Police Station Ambala Sadar (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the case of the prosecution is registered on the allegation of misappropriation of stock of paddy pursuant to an agreement dated 06.10.2017, admittedly, the paddy was stored in joint custody. Prior to the registration of the FIR (supra), a civil suit was filed against the Haryana State Cooperative Supply and



Marketing Federation Limited (HAFED) and the Corporation has submitted before the jurisdictional Court where the civil suit is pending, that no coercive action should be taken against the petitioner. The Corporation has also filed an application for invoking arbitration clause and for the same amount, a complaint under Section 138 of the Negotiable Instruments Act, has already been filed against the petitioner and the petitioner was declared as proclaimed offender without following the drill of Section 82 of Cr.P.C. and the order vide which the petitioner has been declared as proclaimed offender has been set aside by this Court in CRM-M-25447-2024. The dispute between the parties is purely civil in nature.

Per contra, the learned State counsel opposes the prayer of the petitioner on the ground that the petitioner is involved in syphoning of huge quantity of paddy entrusted to them for custom milling and a fraud of more than Rs.4 crore has been committed by the petitioner.

*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 482 (2) of BNSS (earlier 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 28.02.2025.

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 ASI Ashok Kumar, submits that in compliance of order dated 27.01.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel, the order dated 27.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438 (2) Cr.P.C. (Now Section 482(2) BNSS, 2023).
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

February 28, 2025
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(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No