

CRM-M-35745-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35745-2024
Reserved on: 13.02.2025
Pronounced on: 20.02.2025

Satvik Chadha and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Manish Verma, Advocate and
Mr. Chetan Bansal, Advocate
for the petitioners.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
127	22.06.2024	Division 8, District Police Commissionerate Jalandhar	420 & 406 IPC

1. The petitioners apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 30.07.2024, the petitioners were granted interim bail/ protection, which continues to date.
3. Although the petitioners are silent about criminal history, however, as per para 14 of the reply, petitioner have the following criminal history:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1	46	08.03.2024	174-A IPC	Division No.8, Jalandhar

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That succinctly, the factual matrix of the matter is that the present FIR was registered on the basis of complaint bearing no. 1460-DCP dated 23.03.2024 moved by complainant Sandeep Sikka in the office of Commissioner of Police, Jalandhar. Wherein, the complainant has mainly claimed that his firm is engaged in manufacturing of hand tools. The person mentioned in his complaint represented themselves to be Director of a Company. On 17.02.2021, they approached the complainant and induced him for purchasing C.I. Bench Vices and they offered lucrative prices and entangled the complainant in their talks.

It has been further mentioned that believing the accused persons that they will

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prepare the ordered product for an amount of 20,41,843/-. It has been further mentioned that after receiving the amount, accused assured the complainant that his order shall be prepared at the earliest and they will deliver the same soon to him. It has been further mentioned that in the second week of April 2021, accused approached the complainant and requested him to revise the prices of the order placed by him and complainant agreed to the same, and as per revised order dated 17.04.2021 the total price of the order was settled at 21,26,478/-.

It has been further mentioned that on 23.04.2021. The accused again approached the complainant and requested him to provide advance amount of 3 lakhs enabling them to purchase raw material. Believing the same to be true, complainant transferred the amount in the account of accused.

It has been further mentioned that after receiving the said amount, the accused assured to deliver the order soon to the complainant. It has been further mentioned that later on an amount of 3 lakh, 2 Lakh and another 2 lakh was transferred to the account of accused on their demand. Later on, complainant approached, the petitioners and requested them to disclose the status of his order. But they lingered on the matter. Complainant was shocked to see sudden change in behaviour of accused persons, when he compelled them to deliver his order and the accused started yelling at him. It is further mentioned that later on, on 19.03.2022 again, complainant approached the accused persons and requested them to return the amount of rupees 9 lakhs paid by him or he will report the matter to the police. Thereafter, accused approached the complainant and assured him with an undertaking that they will supply the merchandise by 18.04.2022 or they will return the entire amount along with interest. It has been further mentioned that despite repeated requests, neither the merchandise was supplied by the accused persons, nor they have returned the amount already paid by complainant, back to him.”

5. The petitioners’ counsel prays for bail by imposing any stringent conditions. He further argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioners’ and family and on the face of it, matter is civil in nature .

6. The State’s counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“11. Role of the petitioners:

That the petitioners with mala fide intention did not deliver the order placed by the complainant and thereby they have siphoned a sum of

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Rs. 9,00,000/- of the complainant just to cheat the complainant.”

8. As per para 13 of the reply, State has stated that custodial interrogation of the petitioners are not required and petitioners have joined the investigation but they did not disclose any amount received from the complainant. Given above, this Court deems it appropriate to give an opportunity to the petitioners to mend their ways and work in honest manner.

REASONING:

9. There is sufficient prima facie evidence connecting the petitioners with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

10. The petitioners were granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

11. The petitioners are directed to join the investigation within seven days and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition allowed** and order dated 30.07.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.02.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.