



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-65491-2024

Date of decision: 23.01.2025

UMESH KUMAR

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mukesh Rao, Advocate and
Mr. Shubham Aneja, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

None for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
253	02.12.2024	406, 420, 120-B of IPC	City 1, Abohar, District Fazilka.

2. Learned counsel for the petitioner submits that in compliance to the order dated 24.12.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 24.12.2024.

3. Learned State counsel, on instructions from ASI Satpal Singh, intimates the Court that the petitioner has joined investigation and is



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neither required for further investigation nor for any custodial interrogation.

4. During the course of hearing on 24.12.2024, following order was passed:

“ Learned counsel for the petitioner inter alia contends that it is factually incorrect that complainant paid a sum of ₹2.25 Crores besides ₹50 Lakhs to a Limited Company. The complainant paid a sum of ₹50 Lakhs by way of cheque which was in favour of M/s Anjali Labs JMJK Private Limited. A cheque of ₹50 Lakhs was issued in favour of the complainant which was dishonoured. The complainant filed complaint under Section 138 of Negotiable Instruments Act, 1881 against the aforesaid company as well as its Directors. A Memorandum of Understanding (‘MOU’) was executed between aforesaid company and the complainant. There is an arbitration clause in the said MOU. The cheque dishonoured in 2021. The complainant has also filed civil suit which is still pending. There is an arbitration clause in the MOU. Despite these facts, police has registered an FIR against the petitioner in 2024. The complainant as per FIR had paid a sum of ₹2.25 Crores to the co-accused i.e. Atul Goyal who has been granted concession of anticipatory bail by learned Additional Sessions Judge, Fazilka. It is a purely a civil dispute and police has wrongly registered the FIR.

3. Notice of motion returnable for 23.01.2025.

4. Mr. Inderjeet Singh Ladher, Deputy Advocate General, Punjab, who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service. He seeks time to file status report.

5. Mr. Nitin Sharma, Advocate, appeared and filed his Memorandum of Appearance on behalf of the complainant.



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The same is taken on record. Registry is directed to tag the same at an appropriate place.

6. In the meantime, at the first instance, the petitioner is directed to appear before the Investigating Officer on 26.12.2024 and thereafter as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer subject to the conditions provided under Section 482(2) of BNSS. The petitioner shall cooperate the Investigating Officer.

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

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 24.12.2024 passed by this Court, interim bail granted vide order dated 24.12.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.

6. The petition stands allowed.



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

(SANJIV BERRY)
JUDGE

23.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |