



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

**CRM-M-3156-2024**

**Date of Decision:20.02.2025**

Amit Kumar

...Petitioner

vs.

State of U.T.Chandigarh

...Respondent

**Coram :** **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Gautam Dutt, Advocate  
for the petitioner.

Mr. Amit Kumar Goyal, APP for U.T., Chandigarh.

Mr. Pardeep Virk, Advocate  
for the complainant.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No. 0001, dated 02.01.2024 under Sections 408,419,420,467,468,471 of IPC, registered at Police Station Industrial Area, District Chandigarh (Annexure P-1).
2. While issuing notice of motion on 20.01.2024, this Court had noticed the following contentions:-

*Learned Senior Counsel for the petitioner, inter alia, submits that initially FIR No. 176, dated 12.10.2022 was registered against the petitioner at the instance of complainant though being partner of M/s. Srijan Exports, wherein the investigation already stands concluded and the petitioner was granted concession of bail and the bank statements pertaining to proprietorship firm now sought to be made basis in FIR No. 0001 dated 02.01.2024 were also dealt with and made part of challan. He further submits that*

*once FIR registered against the petitioner and the Statement of Accounts / Bank Accounts pertaining to the proprietorship concern were already scrutinized while investigating the earlier FIR, no fresh FIR could have been registered. He also submits that the petitioner even volunteers to deposit Rs.5 lakhs with the Investigating Agency, in order to show his bona fide.*

3. Learned counsel for the petitioner has reiterated the submissions and further submits that the petitioner has deposited an amount of Rs. 5 lacs in the shape of FDR with the Investigating Officer of the present case. Learned counsel for the petitioner further contends that the petitioner has joined the investigation and his custodial interrogation may not be required.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is the master mind in the present case and has caused loss of more than Rs.30 lacs to the complainant in the present case. However, it is not in dispute that the petitioner has joined the investigation in the present case. Even the petitioner had provided the samples of his hand writing and signatures to the police and FSL report has also been received in the present case.

5. I have heard learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner has joined the investigation. Even the prosecution is yet to lead evidence with regard to the alleged forgery and cheating committed by the petitioner before the Trial Court and the custodial interrogation of the petitioner may not be required, at this stage.

7. Without commenting anything on the merits of the case, the

present petition is allowed and the interim order dated 20.01.2024 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 482 (2) of B.N.S.S.

20.02.2025

*hitesh*

**(N.S.SHEKHAWAT)**

**JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No