

CRM-M-16496-2015(O & M)
Date of Decision:20.08.2015

GAURAV GUPTA

...PETITIONER

VS

STATE OF HARYANA

...RESPONDENT

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.S.P.Garg, Advocate for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Ms.Vandana Sharma, Advocate for the complainant.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No. 100 dated 30.03.2015, under Sections 388, 420 and 120-B IPC, registered at Police Station Sector 5, Panchkula.

On 19.05.2015 the following order was passed:-

“ Heard.

Learned counsel for the petitioner submits that as per the complainant, he had some money dispute with Aman Gupta, brother of petitioner. The petitioner had no concern with that money dispute.

Brother of petitioner namely Aman Gupta had gone missing and the matter was reported to the police. Later on he was found from Haridwar. This makes out no offence under Section 388 or 420 of Indian Penal Code.

Notice of motion for 20.08.2015.

In the meanwhile, the petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of anticipatory bail allowed to him.”

Learned counsel for the petitioner states that the petitioner has nothing to do either with the money which was allegedly received by Aman Gupta or with the agreement and as a matter of fact has been maintaining a separate residence from his brother ever since his marriage. Learned DAG, on instructions from SI Pawan Kumar, has accepted the fact that the petitioner and his brother are living separately.

In the circumstances I do not deem it appropriate to deny the concession of anticipatory bail to the present petitioner.

Resultantly the order dated 19.05.2015 is made absolute.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

**(AJAY TEWARI)
JUDGE**

August 20, 2015
sunita