

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-17518 of 2015
Date of Decision : 8.6.2015

DeepakPetitioner

Vs.

State of HaryanaRespondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. N.S. Shekhawat, Advocate for the petitioner.
Mr. Deepak K. Grewal, DAG, Haryana.

.....

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks pre-arrest bail in FIR No.100 dated 7.3.2015 under Sections 406, 420, 120-B, 34 IPC and Sections 7,8, 9 and 13 of the Prevention of Corruption Act registered at Police Station City, Rewari.

Notice of motion was issued.

Learned counsel for the petitioner submits that from the reading of the FIR, present one seems to be a clear case of false implication. He submits that it is not even established on record, whether the main accused namely Pawan Goel, was as a matter of fact, posted as employee in Court Room No.2 in District Courts at Rewari. Further, the conduct of the complainant himself is highly objectionable. The story putforth in the FIR has been found to be a concocted one for the reason that the daughters of the complainant were awarded

life imprisonment by that very learned Presiding Officer of court no.2. In fact, complainant was trying to misuse the process of law for effecting the alleged recovery of his remaining amount and in such a situation, the investigating agency should not have become the recovering agency for the complainant. He next contended that even if the contents of the FIR are taken to be true on their face value, still no amount, as a matter of fact, was stated to have been passed on to the Presiding Officer of court no.2 in District Courts, Rewari. In such a situation, petitioner had not even any remotest role to play. The complainant side had a strong motive to falsely implicate the petitioner, which is reflected from Annexure P-2. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Sanjay Kumar and also while referring to para 7 of the order dated 6.5.2015 passed by the learned Additional Sessions Judge, Rewari, submits that the amount was paid at the office of the petitioner, because of which he was responsible to return the balance amount to the complainant. He prays for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the totality of facts and circumstances of the case, noticed herein above, petitioner has been found entitled for concession of anticipatory bail. It is so said because the investigating agency seems to be improving its case, as tried to press by learned counsel for the State, while referring to para 7 of the order dated 6.5.2015 passed by the learned Additional Sessions Judge, Rewari. Entirely a new case has been sought to be projected, which was not so recorded in the FIR.

Further, in the present case, learned counsel for the petitioner has been found

justified to contend that conduct of the complainant himself was highly objectionable. Learned counsel for the State also could not verify this fact, whether the main accused namely Pawan Goel was, as a matter of fact, posed in court no.2 in Distt. Rewari at the relevant point of time. Once the complainant himself has stated that he paid the amount to his relative Hans Raj and the said amount was taken away by Hans Raj and Satish Sharma, it does not appeal to reason, as to how the present petitioner has been sought to be implicated. Above all, it could have been a case of money dispute and in such a situation, the complainant should not have been permitted to misuse the process of law by the investigating agency while becoming a recovery agency for the complainant.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Investigating/Arresting Officer is directed to admit the petitioner to anticipatory bail, in the event of his arrest, however, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of, accordingly.

8.6.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE