

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-30875-2015 (O&M)

Date of decision:30.10.2015

Kiran Bakshi and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Mr.Parminder Singh, Advocate for the petitioners.
Mr.Kapil Aggarwal, Addl.A.G., Haryana.
Mr.S.S.Rangi, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

CRM-35124-2015

Applicant seeks impleadment as party-respondent No.2.

Notice of the application to the counsel opposite.

Mr.Parminder Singh, Advocate, accepts notice on behalf of non-applicants-petitioners and states that he has got no objection in case the present application is allowed.

In view of the above, the instant application is allowed, for the reasons stated therein. Applicant is ordered to be impleaded as party-respondent No.2. Corrected memo of parties is also permitted to be placed on record.

CRM stands disposed of.

CRM-35125-2015

Applicant seeks to place on record reply by way of affidavit of complainant-respondent No.2.

Application is allowed, as prayed for. Reply filed on behalf of respondent No.2 is permitted to be taken on record.

CRM stands disposed of.

Main case

Petitioners seek pre-arrest bail in FIR No.123 dated 17.6.2015 registered under Sections 420, 120-B and 406 of the Indian Penal Code at Police Station Mullana, District Ambala.

Notice of motion was issued and interim protection was granted. Thereafter, another opportunity was granted to the petitioners.

Learned counsel for the petitioners submits that in compliance of the order dated 11.9.2015 passed by this Court, petitioners have joined the investigation and they are no more required for any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant submit that petitioners have defrauded the complainant by selling 66 marlas of land for an amount of more than Rs.1 crore. Learned counsel for the State further submits that though the petitioners have joined the investigation but they did not cooperate with the investigating agency. He also submits that custodial interrogation of the petitioners would be required. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioners have not been found entitled for the concession of anticipatory bail. It is so said, because petitioners have failed to show their bona fide. They had already been granted two opportunities but they have not cooperated with the investigating agency. Allegations against the petitioners are direct and serious.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, this Court is of the view that custodial interrogation of the petitioners would be the compulsive necessity of the investigating agency, so as to carry out an effective investigation. No case for anticipatory bail is made out.

Dismissed.

30.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE