

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

CRM-M-8325-2015

Date of decision: 27.05.2015

Shiv Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr. Kulbhushan Sharma, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.358 dated 07.11.2014 under Sections 406, 420, 467, 468, 471, 506, 120-B IPC, registered at Police Station Bhupani, District Faridabad.

Notice of motion was issued and interim protection was granted. Thereafter, again vide order dated 18.05.2015 passed by this Court, petitioner was directed to join the investigation on 20.05.2015 at 10.00 AM and cooperate with the investigating agency.

Learned counsel for the petitioner submits that petitioner had gone to join the investigation on 20.05.2015 but because of some communication gap, he was not allowed to join the investigation. He further submits that to show his bonafide, petitioner has brought an amount of Rs.4 lacs, by way of bank draft in the name of the complainant for handing over

the same to learned counsel for the complainant. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Braham Parkash, Police Station Bhupani, District Faridabad, submits that petitioner did not join the investigation on 20.05.2015 because of which recovery of the disputed amount of Rs.7 lacs as well as relevant documents could not be effected from the petitioner. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant, while supporting the arguments raised by learned counsel for the State, submits that since the petitioner has not cooperated with the investigating agency and recovery could not be effected, he is not entitled for discretionary relief of anticipatory bail. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since the petitioner has shown his bonafide by bringing an amount of Rs.4 lacs, by way of bank draft for handing over the same to learned counsel for the complainant in the Court today, he has been found entitled for the concession of anticipatory bail. However, when this amount of Rs.4 lacs was offered to learned counsel for the complainant, he refused to accept the same as the civil suit filed by the complainant for specific performance, is already pending.

In view of the above and without commenting anything further on the merits, lest it should prejudice the rights of either of the parties,

present petition is allowed. Order dated 20.03.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

27.05.2015
vishnu