

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

**(201)**

**CRM-M-17588-2014 (O&M)**

**Decided on: April 26, 2016.**

**State of Haryana**

**.... Petitioner**

**Versus**

**Kishore Kumar Aggarwal and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Vikas Malik, DAG, Haryana.

Mr. Arjun Sharma, Advocate, for the respondents.

**M.M.S. BEDI, J (ORAL)**

Respondents No. 1 to 3 had been granted concession of pre-arrest bail in FIR No. 626 dated 23.08.2013 on 20.11.2013 subject to the condition that respondents-accused shall make themselves available for interrogation by the police as and when required.

The main grievance of the State is that learned Additional Sessions Judge had ignored the fact that the FIR had been registered at the instance of 23 persons who were plot holders and while considering the bail application, the Court has relied upon affidavit of compromise given by one of the complainant Suman Lata. Rest of the complainants had neither been compensated by the company of the respondents nor the matter had been compromised by them.

Learned counsel for the respondents has placed on record 17 affidavits of the affected persons in support of the contention that the matter has been compromised with all other allottees.

On the instructions of SI Suresh Kumar, learned State counsel has vehemently contended that the challan has not yet been presented and the investigation is still in progress under the supervision of Special Investigation Team and that the respondents are required to join investigation and facilitate the investigation by Special Investigation Team.

After hearing learned State counsel as well as learned counsel for the respondents, I am of the considered opinion that the bail granted to respondents No. 1 to 3 can only be cancelled if the respondents have misused the liberty or have not complied with any of the conditions of pre-arrest bail granted to them. It is not the case of the investigating agency that the petitioners have not joined investigation or they have not cooperated.

I do not find any ground to cancel the order of pre-arrest bail to the respondents. However, it is observed that in case respondents No. 1 to 3 fail to appear before the investigating officer despite a written notice specifying their requirement at a particular day, date and time, it will be open to the investigating agency to seek cancellation of bail. Till date, the bail granted to the respondents does not appear to have been misused as such this petition is dismissed with liberty to the State to approach this Court in case the liberty granted to the respondents is misused pursuant to the bail granted to them.

**(M.M.S. BEDI)**  
**JUDGE**

**April 26, 2016**  
*harsha*