

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-21514 of 2015 (O&M)

Date of Decision: 08.02.2016

Vipin Chauhan

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. C.S. Bagri, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

Mr. Keshav Pratap Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.497 dated 15.11.2014 under sections 420, 406 I.P.C, registered at Police Station, Kharkhoda, District Sonipat.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Jaikaran, who is stated to be running a brick kiln under the name of M/s Harish Bhatta. Accusations are that a sum of Rs.15 lacs were deposited in the bank account of the accused Vipin Chauhan/present petitioner as also his wife to procure labour to work at the brick kiln. Allegations pertain to breach of trust as neither the money has been returned nor the labour has been provided.

On 15.9.2015, this Court while granting ad interim protection as regards arrest had directed the petitioner to join investigation.

Learned State counsel upon instructions from ASI Sanjay Kumar would apprise the Court that the petitioner has since joined investigation.

It may be noticed by this Court that counsel for the petitioner has, during the course of arguments, adverted to two agreements at Annexures P-2 and P-3 which were in relation to providing labour for the years 2012-2013 and 2013-2014.

The payments in dispute are stated to have been deposited in the bank account of the present petitioner as also his wife in the months of July to October, 2014.

In spite of a specific query having been put, counsel for the complainant has not been able to refer to any agreement that may have been entered into between the parties pertaining to the year 2014-2015.

The issue as to whether the amount that finds mention in the F.I.R. pertains to the period 2014 for which labour had been supplied or for a subsequent period would be a matter of investigation and in which the petitioner has concededly joined.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 15.9.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

08.02.2016

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