

Sr. No.202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-22116 of 2015 (O&M)

Date of Decision: 30.05.2016

Ram Mehar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

Mr. Rose Gupta, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.185 dated 15.06.2015, under Sections 406, 420, 506 and 34 of Indian Penal Code, registered at Police Station Civil Line, Kaithal, Distirct Kaithal.

Briefly noticed, FIR came to be registered on the complaint of Amarjit Singh raising allegations that he has been duped of a sum of Rs.32 lacs by the present petitioner/accused on the pretext of sending him and his brother abroad.

While issuing notice of motion, the following order was passed by this Court on 14.07.2015:-

"CRM No.21649 of 2015

Application is allowed as prayed for.

Application dated 6.11.2013 at Annexure P-7 is taken on record.

Main Case

This is a petition under section 438 Cr.P.C seeking the benefit of anticipatory bail to the petitioner in case FIR No.185 dated 15.6.2015 under Sections 406, 420, 506 & 34 I.P.C registered at Police Station, Civil Line, Kaithal, District Kaithal.

Counsel would submit that the allegations pertaining to the complainant Amarjit Singh being sent abroad and in the garb of such arrangement money having been extracted by the accused/present petitioner, are totally false. In this regard counsel has adverted to document at Annexure P-4 which is an inquiry report furnished by the Incharge, Crime Branch, Kaithal dated 25.11.2013 which was furnished on the basis of a complaint having been made by the complainant Amarjit Singh and a perusal of the same would reveal that the present petitioner and the complainant were in fact business partners pertaining to a building and road construction firm running under the name and style of C.T.R. Infrastructure India Ltd. and it is only to cover up certain losses suffered during the course of transactions relating to business of the firm that false allegations have been raised by the complainant. Counsel further submits that the petitioner is otherwise ready and willing to join investigation.

Notice of motion, returnable for 5.11.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from SI Randhir

Singh would apprise the Court that the petitioner has since joined investigation. State counsel has submitted that during the course of investigation, it has also surfaced that complainant had also filed another complaint before the Deputy Commissioner Kaithal in which allegations had been levelled against the present petitioner as also his mother with regard to the same amount i.e. Rs.32 lacs and another amount of Rs.65,000/- but on a different set of allegations that such money had been entrusted on the promise that attractive returns will be given and even government employment would be facilitated.

Prima facie, this Court is satisfied that the contention raised on behalf of the petitioner and noticed while issuing notice of motion is not completely without merit.

The petitioner having already joined investigation, the prayer made in the present petition is accepted.

Petition is allowed. Order dated 14.07.2015, passed by this Court, is made absolute.

The observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of anticipatory bail and would have no bearing on the merits of the case.

Disposed of.

30.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE