

201.

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

CRM-M-23895-2016 (O&M)

Date of decision:10.11.2016

Sanny

... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Vishal Garg, Additional Advocate General, Haryana.

Mr. Jagjit Gill, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.190 dated 08.05.2016 under Sections 406, 420 IPC, registered at Police Station Tohana, District Fatehabad.

Learned counsel for the petitioner states that for the same set of allegation, complainant has made a complaint dated 10.04.2016 addressed to S.H.O., Police Station, Tohana. The said complaint was dealt with by the police and it was reported that the complainant did not participate in the joint enquiry. During enquiry, petitioner was not found at fault and it was collectively found that the complainant is at fault and there is no FIR attributable to the petitioner. While granting ad-interim bail to the petitioner, this Court had directed the petitioner to join investigation.

Learned counsel for the petitioner states that the petitioner has joined

investigation.

On the other hand, learned counsel for the State on instructions from ASI Rajesh Kumar and the complainant state that once police has registered FIR, the prosecution version has to be accepted. Leaned State counsel is not able to rebut the issuance of Annexure P-3 i.e. the report prepared by HC Anil Kumar, Tohana, dated 10.04.2016 and countersigned by S.H.O., Police Station Tohana. He states that the petitioner has joined investigation but he is not cooperating.

Heard, learned counsel for the parties.

Once on a same set of allegation and based on a complaint filed by the complainant, the police has submitted report, the plea that the petitioner is not cooperating, cannot be accepted.

In view of above, present petition is allowed and the interim order dated 28.07.2016 passed by this Court is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

(HARI PAL VERMA)
JUDGE

10.11.2016
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No