

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

CRM-M-34347-2016

Decided on : 22.11.2016

Nagender @ Naggi

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ajay Ghangas, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. Surinder Dagar, Advocate for the complainant.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 44 dated 29.03.2016 registered under Sections 406, 420, 506 & 120-B IPC at Police Station Tigaon, District Faridabad.

While issuing notice of motion on 26.09.2016 this Court had granted ad-interim anticipatory bail to the petitioner on furnishing of bail bonds amounting to Rs. 10,000/- with one surety of like amount to the satisfaction of Arresting Officer.

Learned State counsel submits that in spite of the Investigating Officer seeking the attendance of the petitioner, he has not joined investigation.

Learned State counsel further submits that in addition to the present case there are as many as five criminal cases pending against the petitioner, the detail of four of them is with her which are as under:

1. FIR No. 154 dated 19.10.2012 under Sections 420, 406 & 120-B IPC, registered at Police Station Tigaon, District Faridabad.
2. FIR No. 124 dated 04.08.2011 under Sections 323, 325 & 34 IPC registered at Police Station Tigaon, District Faridabad.
3. FIR No. 478 dated 22.08.2009 under Sections 395 & 427 IPC registered at Police Station City Ballabhgarh, District

Faridabad.

4. FIR No. 327 dated 14.11.2010 under Sections 323, 325, 341, 427 & 506 IPC registered at Police Station Kotwali, District Faridabad.

As per the prosecution co-accused Jai Kishan Verma, in his statement under Section 164 Cr.P.C. has stated that he had given to the petitioner and one Gopal Rs. 8,00,000/- who misappropriated/embezzled money out of that amount. However, when the application of the petitioner for anticipatory bail was considered by the Additional Sessions Judge, the petitioner stated that only Rs. 4, 00,000/- was handed over by the above said Jai Kishan to him and not Rs.8,00,000/-. As opposed to the above, the complainant alleges misappropriation/short delivery of Rs. 5,50,000/- and not Rs. 4,00,000/-.

In view of the above, without expressing any opinion on the merits of the matter, particularly on the petitioner having not joined investigation when he was called upon to do so during the period when he was granted ad-interim anticipatory bail; he having five other criminal cases pending against him and having allegedly committed the present crime while on bail, I do not consider the present case to be a fit case for grant of concession of anticipatory bail.

The petition is dismissed.

(DEEPAK SIBAL)
JUDGE

22.11.2016.

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Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No