

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

CRM-M-14001-2017 (O&M)

Date of decision : 05.12.2017

Padam Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kuldeep Sheoran, Advocate for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Rawat Singh.

Mr. Pranjal P. Chaudhary, Advocate,
for Mr. Ram Kumar Saini, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.10 dated 16.04.2012, registered under Sections 409, 420, 467, 468, 471, 201 and 120-B of the Indian Penal Code, at Police Station State Vigilance Bureau, Hisar.

Heard.

On 03.11.2017, the following order was passed:-

“Status report by way of affidavit of Superintendent of Police, State Vigilance Bureau, Hisar Range, Hisar filed today in the Court is taken on record.

It is contended that on the note written by the petitioner, the depot of complainant, Dharamvir was cancelled and security furnished by him was forfeited. It is asserted that the present complaint is the counter-blast of the action taken by the petitioner.

In the circumstances, the petitioner is

allowed to join the investigation.

Post again on 05.12.2017.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without prior permission of the Court.*

The State shall ensure that the investigation in the FIR No. 84 dated 30.01.2015 and FIR No.28 dated 21.07.2015 as noticed in the order dated 23.08.2017, is concluded positively before the next date of hearing.

Vide order dated 29.09.2017, the State was directed to file affidavit detailing the action taken against the (wrongly typed as 'by') three DSPs, namely, Suresh Chand, Radhey Sham and Phool Singh, for recording the facts against the record, as also the Investigating Officer, Bhupinder Singh. In pursuance thereof, status report dated 02.11.2017 was filed wherein, the lapse of Inspector Bhupinder Singh and retired DSP, Phool Singh, has been admitted. The Director General, State Vigilance Bureau, Panchkula has recommended to take appropriate action against the erring officials. However, the status of the action taken is not known. It is further submitted that in FIR No.84 dated 30.01.2015, registered under Sections 409, 420, 463, 465, 467, 468, 471, 120-B and 148 read with Section 149

IPC, P.S. City Hansi, the challan has already been filed, whereas, in FIR No.28 dated 21.07.2015, registered under Sections 409, 420, 467, 468, 471, 204, 120-B IPC and Sections 13(i)(d) of Prevention of Corruption Act, P.S. State Vigilance Bureau, Hisar, the challan is likely to be filed shortly.

Further, learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 03.11.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

05.12.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No