

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

202/A

CRM-M-14682 of 2017

Date of Decision: May 10th, 2017

Bharat Singh @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vishal Nehra, Advocate
for the petitioner

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

I have heard counsel for the petitioner and the counsel for the State.

Counsel for the petitioner submits that the incident is of the year 2009, whereas the FIR has been registered in August, 2016. He contends that there is no evidence to show that any payment was made to the petitioner, especially when a huge sum of ₹10,00,000/- is alleged to have been paid to him. He contends that the petitioner has joined investigation as per the order passed by this Court on 28.04.2017.

Counsel for the State, on the other hand, on instructions from S.I. Ramesh Kumar, Police Station Israna, Panipat, submits that the petitioner is the real culprit and the main accused. It is on his allurements that he would be arranging for a job for the complainant that an amount of ₹10,00,000/- was paid by the husband of the complainant in the presence of complainant and co-accused-Sheelak Ram. It is also stated by Sheelak Ram that ₹2,00,000/-, which was received by him, has been handed over to the petitioner. The said amount has not yet been recovered nor has been

returned to the complainant. She, however, accepts that the petitioner has joined investigation.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner has joined investigation and that the incident is of the year 2009, whereas the FIR has been registered on 24.08.2016, the prayer made by the petitioner is accepted.

The petition stands allowed.

Order dated 28.04.2017 is made absolute.

This shall, however, be subject to the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C.

May 10th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No