

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

CRM-M -25477 of 2016 (O&M)

Date of decision: 17.02.2017

Varinder Bhateja

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Grewal, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Dheeraj Narula, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.385 dated 10.07.2016, registered under Sections 406, 409, 420 and 506 read with Section 34 of IPC, at Police Station City Fatehabad, District Fatehabad.

On 28.07.2016, this Court had passed the following order:-

“Contends that the complaint in question is ill-conceived. The complainant, in fact, sold the liquor business to the petitioner, which is reflected in the agreement to sell, Annexure P-2. In pursuance of the said agreement, all the four cheques amounting to ₹3.25 lacs each stand credited in

the name of the complainant.

On the oral request made by learned counsel for the petitioner, complainant Gopal Dass S/o Rud Chand Arora, R/o Street No.7, Abohar, Tehsil Abohar, Distt. Fazilka, is impleaded as respondent No.2. The Registry is directed to amend the memo of parties accordingly.

Notice of motion for 03.10.2016.

At the asking of the Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice. A complete copy of the paper book has been handed over to the learned State counsel, in the Court.

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 previous permission of the Court.”*

It is contended that in pursuance of the order dated 19.01.2017, to show his bona fide, the petitioner has paid ₹10 lakh to the complainant. Two demand drafts of ₹ 7 lakh prepared by the petitioner have been handed over to learned counsel for respondent No.2/complainant. Photocopy of the demand drafts is taken on record as Mark 'A'. He further states that in pursuance of order dated 28.07.2016, the petitioner has joined the investigation

The learned State counsel, on instructions submits that

the petitioner has joined the investigation and he is not required for custodial interrogation.

The learned counsel for the complainant states that he has no objection in case the present petition is allowed.

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 28.07.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

17.02.2017

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(JITENDRA CHAUHAN)
JUDGE

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