Sr. No.208

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-45556 of 2016 (O&M)
Date of Decision: 02.02.2017

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.S.Narula, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the petition filed under Section 438 seeking concession of pre-arrest bail to the petitioner in case FIR No.528 dated 22.09.2016, under Sections 406 and 420 of IPC, registered at Police Station Sonepat City, District Sonepat, Haryana.

While issuing notice of motion, the following order was passed by this Court on 21.12.2016:-

> "*Learned counsel for the petitioner submits that although as per allegation of the prosecution, it was on identification of the petitioner, Ashish Dev was able to open a saving account in UCO Bank Sonepat in the name of Amit Jain but no fraud was committed by the petitioner and no benefit was derived by him qua the account opened by the main accused namely Ashish Dev.*
>
> *Notice of motion for 2.2.2017.*
>
> *Meantime, the petitioner will join investigation. In case of his arrest, he shall be enlarged on interim anticipatory bail by the Arresting Officer 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 the prior permission of the Court."

Learned State counsel upon instructions from SI Mohinder Singh apprises the Court that petitioner has since joined investigation. He would, however, vehemently oppose the present petition by contending that during the course of investigation, statements of the bank officials have also been recorded and which would reflect on the complicity of the present petitioner as regard opening of a bank account under a false identity and name.

The allegations against the petitioner certainly are serious in nature. Be that as it may, a factual aspect that has come to light during the course of arguments is that from the saving bank account of UCO Bank and which was opened by main accused Ashish Dev and under a false name of Amit Jain and in which process, the petitioner had also played a role, two cheques had been issued to the complainant and which upon presentation had been dishonoured. However, Ashish Dev thereupon is stated to have substituted these two cheques in question by another set of cheques but drawn from a different bank account and with which the present petitioner has no connection.

Petitioner having joined investigation, this Court is of the considered view that his custodial interrogation as such would not be warranted.

Petition is allowed. Order dated 21.12.2016, passed by this Court, is made absolute.

Disposed of.

02.02.2017 **(TEJINDER SINGH DHINDSA)**
vandana **JUDGE**

Whether speaking/reasoned Yes

Whether Reportable No