

**CRM-M-46354-2016 and
CRM-M-46446-2016**

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

Date of Decision: 21.02.2017

1. CRM-M-46354-2016

Rajesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

AND

2. CRM-M-46446-2016

Ram Avtar and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jitender Dhanda, Advocate,
for the petitioners in both the petitions.

Mr. Parveen Aggarwal, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

This order shall dispose of CRM-M-46354-2016, filed by petitioner-Rajesh Kumar and CRM-M-46446-2016, filed by petitioners-Ram Avtar and Krishna Devi, under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case

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FIR No.1037 dated 07.12.2016, registered at Police Station Sadar Hisar, under Sections 420, 406 and 506 of the Indian Penal Code.

Notice of motion was issued in both these petitions. Learned State counsel has put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegations in FIR, an amount of ₹1 lakh was paid to petitioner-Rajesh in the month of October, 2010 for arranging appointment in the Army for the son of complainant. An amount of ₹1 lakh was also paid later on for the said purpose.

Learned counsel for the petitioners stated that the complainant is the relatives of the petitioners and there is some other dispute between them. He also argued that petitioner-Rajesh is a Class-IV employee in Agricultural University and it cannot be believed that he will get selected the complainant's son in Assam Rifles. He also argued that the present FIR has been registered after six years and no explanation is there as to why the complainant kept silent for six years.

In pursuance of the interim orders dated 23.12.2016 passed in CRM-M-46354-2016 and CRM-M-46446-2016, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending the petitioners to custody.

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Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in these petitions and the same are allowed. The orders dated 23.12.2016 passed in CRM-M-46354-2016 and CRM-M-46446-2016, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

21.02.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No