

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-46786 of 2016 (O&M)
Date of Decision: 06.03.2017

Hukam Singh Rana

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Mukesh Rao, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.239 dated 22.5.2014 under sections 420, 464, 467, 468, 120-B I.P.C, registered at Police Station, Mujesar, Faridabad.

On 30.12.2016, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.239 dated 22.05.2014, under Sections 420/464/467/468 and 120-B of the Indian Penal Code, registered at Police Station Mujesar, Faridabad.

Counsel would submit that the FIR was registered more than two years back on the complaint made by an official of Dakshin Haryana Bijli Vitran Nigam Limited, Faridabad as regards financial loss having been caused by certain officials of the Central Bank of India. The allegations were that the Nigam had entered into an agreement for collection of electricity bill payments on behalf of the consumers and such payment be it in the form of cash/cheques/demand drafts etc. were to be transmitted to the Head Office in Hisar.

It is contended that the name of the petitioner does

not even figure in the FIR. That apart, investigation having been completed, challan already stands presented against the accused and who was specifically named against the backdrop of direct allegations contained in the FIR. After a period of two and a half years, the present petitioner is sought to be arrested against the backdrop of allegations and for which the entire record is already with the investigating agency.

Notice of motion, returnable by 06.03.2017.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Harkesh would apprise the Court that the petitioner has since joined investigation.

On a specific query having been put, Court has been informed that the employer i.e. D.H.B.V.N. Ltd., Faridabad and where the petitioner was serving on the post of Head Cashier has chosen not even to suspend the petitioner against the backdrop of the allegations, even though a departmental inquiry stands initiated.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 30.12.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.03.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No