

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

Crl. Misc. No.M-14478 of 2018 (O&M)

Date of Decision: May 29, 2018

Jagbir Singh

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.S. Bairagi, Advocate
for the petitioner (s).

Mr. Amrik Narwal, D.A.G. Haryana.

Mrs. Sushma Sharma, Advocate for
Mr. Ramesh Sharma, Advocate and
Mr. G.S. Sandhu, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.118 dated 10.02.2018 registered for the offences punishable under Sections 406/420/506 of IPC, at Police Station Assandh, District Karnal.

Heard.

Learned counsel for petitioner has submitted that the petitioner has joined the investigation.

Learned State counsel submits that custodial interrogation of petitioner is required to effect recovery of ₹4.00 lakhs.

While allowing the interim relief vide order dated 10.4.2018, it

“Learned counsel for the petitioner inter alia submits that prior to the registration of the FIR, a preliminary investigation had been conducted by the police and a copy thereof is annexed as Annexure P-3. As per the said report, there was money dispute between the parties and that the complaint arose out of a dispute of civil nature. It is further submitted that the complainant is a money lender and to support this statement reliance has been placed upon the legal notice, Annexure P-4. This argument has been raised for submitting that the complainant is a worldly wise person and could not have been misled as alleged in the FIR.”

This fact is disputed that the enquiry was conducted earlier. It will be a matter of investigation to verify the veracity of the testimony of complainant before filing the challan.

In view of above but without expressing any opinion on the merits of the case, this petition is allowed and order dated 10.4.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court;
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

May 29, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No