

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20812-2018

Date of decision: 16.10.2018

Jai Bhagwan Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Baljit Mann, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Hemant Bassi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.339 dated 25.09.2017 under Sections 120-B, 166, 167, 420 IPC, registered at Police Station Ambala Cantt., District Ambala.

While granting interim anticipatory bail to the petitioner, following order was passed on 17.05.2018: -

“It is contended by the learned counsel for the petitioner that neither the petitioner has been named in the FIR; nor he has any role in the entering of alleged mutation, except that he made a note in the file for seeking legal opinion from the Legal Advisor on 08.01.2008.

Notice of motion for 19.07.2018.

At this stage, Mr. Hemant Bassi, Advocate appears on behalf of the complainant by filing his Power of Attorney, which is taken on record.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Thereafter, the petitioner was again directed to join the investigation vide order dated 19.07.2018.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR, which was registered on the basis of an enquiry conducted by the Additional Deputy Commissioner, Ambala and name of the petitioner has surfaced only after arrest of co-accused Ghasita Ram. It is further submitted that the FIR was registered after retirement of the petitioner and he is presently aged about 62 years and has joined the investigation.

Learned State counsel, on instructions from SI Sanjay Kumar, has not disputed the aforesaid factual position. It is submitted that in the enquiry report, the petitioner was not named and it was recommended that FIR be registered against three beneficiaries, Ghasita Ram and one Vinod Bhardwaj.

Without commenting anything further on merits of the case, considering the fact that the petitioner has joined the investigation in pursuance of the aforesaid order dated 17.05.2018 and is no more required for further

investigation and also in view of the fact that co-accused Vinod Bhardwaj and Ghasita Ram, who were arrested, have also been granted the concession of regular bail and challan against them stands presented, the interim bail granted to the petitioner vide order dated 17.05.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

16.10.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No