

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.2090 of 2018
Decided on: 08.05.2018

Sanjay Tanwar

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Goyat, Advocate for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Pawan Girdhar, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.862 dated 23.12.2016 registered under Section 409 IPC at Police Station Civil Lines, Hisar, District Hisar.

Interim anticipatory bail has been granted to the petitioner by this Court vide order dated 19.01.2018, by passing the following order:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.862 dated 23.12.2016 under section 409 I.P.C, registered at Police Station, Civil Lines, Hisar.

Counsel for the petitioner submits that the petitioner was working as a Contractor with D.H.B.V.N.L and the allegations are that he has not deposited the entire E.P.F amount pertaining to contractual employees. It is the categorical contention of the counsel that the matter is already pending before the Employees Provident Fund Appellate Tribunal with regard to payment of E.P.F and the FIR has been registered without following the

provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Further argued that on the same set of allegations petitioner has been involved in a number of FIRs and during the course of arguments places reliance upon orders passed by this Court or by the Additional Sessions Judge concerned vide which concession of prearrest bail has been granted.

Notice of motion, returnable for 20.2.2018.

To be heard along with CRM-M-38036-2017.

In the meanwhile, petitioner is directed to join investigation.

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

Thereafter, on 20.02.2018, it was stated by counsel for the State that though the petitioner has joined the investigation, however, some recovery of contribution of EPF fund of the contractual employees, which the petitioner has taken from the DHBVNL is not deposited by the petitioner and the counsel for the petitioner has stated that the security deposit made by the petitioner is still lying with the complainant and has further undertaken that he will not claim withdrawal of the said security till decision of the trial.

Today, counsel for the petitioner has relied upon the order dated 08.09.2017 passed by this Court in CRM-M No.13450 of 2017 wherein in similar circumstances, the interim bail granted to the petitioner was confirmed.

Counsel for the petitioner has also relied upon the terms

and conditions of the Letter of Rate Contract for outsourcing of Manpower for Typing services, Data Entry Operators, GIS Information Updation, Software Maintenance Jobs/Works, wherein as per Clause (12), it was agreed between the parties that the contract was for a period of 01 year and the contractor will make the payment to the employees on submission of a bill in triplicate along with proof of depositing the EPF contribution to the EPF Trust of previous month and the contractor will submit his bill to the DDOs by first working day of the next month and the DDO will make the payment by 7th of each month. Counsel for the petitioner has, thus, submitted that the contribution was verified each month by the complainant during the subsistence of the contract.

Counsel for the State, on instructions from SI Dagar Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 19.01.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

08.05.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No