

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

**Crl. Misc. No.M-23661 of 2018 (O&M)
Date of Decision: October 23, 2018**

Som Nath

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. APS Mann, Advocate
for the petitioner (s).

Ms. Dimple Jain, A.A.G. Haryana.

Mr. Vinod Kumar Arya, 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.884 dated 18.10.2013 registered for the offence punishable under Sections 406, 420, 465, 467, 468, 471, 506 read with Section 120-B of Indian Penal Code, at Police Station Civil Lines, Karnal.

Heard.

Learned State counsel submits that petitioner has joined the investigation, which is still in progress but his custodial interrogation is no more required for the purpose of further investigation.

Learned counsel for the complainant, while referring to the report of R.A.M. Testing & Hallmarking Centre, Bhiwani, argues that the

gold, which was hypothecated, was having purity ranging from 27.5% to 44.5% only which shows that petitioner had the intention to cheat the complainant in connivance with its official.

As per report of Forensic Science Laboratory, Haryana, the purity of gold is ranging from 66% to 88% and most of the items were having purity of more than 80%.

Keeping in view the above fact and submission of learned State counsel but without expressing any opinion on the merits of the case, this petition is allowed and order dated 31.05.2018 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.

October 23, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No