

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

**CRM-M No.23712 of 2018
Decided on: 31.07.2018**

Rajender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Bishnoi, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.87 dated 24.01.2018 registered under Section 382 (Sections 420 and 196 IPC added later) at Police Station City Hisar, District Hisar.

Counsel for the petitioner submits that the petitioner has already appeared before the Investigating Officer and has joined the investigation and even the Sarpanch of the village has informed the police that the declaration made by the complainant in the Resolution (Annexure P2) is genuine. The order dated 30.05.2018 passed in CRM-M No.23712 of 2018 granting interim anticipatory bail to the petitioner reads as follows:-

“Learned counsel for the petitioner first points to Annexure P-2, which is seen to be a “certificate” signed by the Sarpanch and 4 other persons (probably members of the Panchayat) of Village Bhodia Bishnoian, Block Adampur, Hisar, in which the complainant admits that there was some “money transaction” with the petitioner, Rajender, and “in lieu of that money” he was handing over the possession of vehicle No.RJ 14GC 8726 to the petitioner, in front of the Sarpanch and other respectables

of the village, on 11.08.2017.

As regards the FSL report referred to in the order of the learned Additional Sessions Judge, Hisar, he submits that the truck returned by the petitioner (despite it having been willingly handed over by the complainant), was of the same make etc. but was carrying a different engine and chassis number, which as per the petitioner was not looked into at the time when the truck was handed over to him by the complainant.

Without making any comment on the aforesaid contention, since a truck has been handed over, let notice of motion be issued to the respondent, returnable on 14.06.2018.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

The respondent-State would determine as to whether the condition of the truck which has been returned by the petitioner is the same in which it is stated to have been received by him from the complainant, with such verification to be also done from the members of the Panchayat and other respectable persons of the area.”

Counsel for the State, on instructions from ASI Hanuman Singh, has not disputed the aforesaid fact that the verification has already been done from the Sarpanch of the village and the petitioner 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 30.05.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

31.07.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No