

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23422-2017 (O&M)
Date of decision: 20.08.2018

Rajeev Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. S.S. Brar, Advocate
for the petitioner.

Mr. Pritam Saini, Addl. AG, Haryana.

Mr. Rakesh Nehra, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.204 dated 26.03.2017 under Sections 120-B, 406, 420, 463, 464, 465, 467, 471, 506 IPC, registered at Police Station DLF, Gurugram.

While granting interim bail to the petitioner, following order was passed on 27.07.2017: -

“Learned counsel for the petitioner, with reference to the FIR, submits that it is a business dispute between the petitioner and the complainant. He further submits that a perusal of the FIR shows that for a considerable long time i.e. since 2013, the parties were dealing in the exchange of money on one account or the other

relating to their business and therefore a civil dispute is given colour of criminal liability.

Learned State counsel, on instructions from ASI, Anil Kumar, submits that the petitioner has not joined the investigation so far.

List on 23.10.2017.”

Thereafter, the petitioner was arrested in FIR No.232 of 2016, Police Station Sushank Lok-I, Gurugram on 03.08.2017 and was granted regular bail on 09.06.2018 in this FIR.

Learned senior counsel for the petitioner submits that prior to his arrest in the aforesaid FIR and even the period, during which he was in judicial custody in FIR No.232, the petitioner has joined the investigation, as the police has taken his production warrants. It is further submitted that even subsequent to his release on bail in the aforesaid FIR, the petitioner has rejoined the investigation and the dispute between the petitioner and the complainant is primarily of exchange of money and the same can be resorted by filing a civil suit.

Learned State counsel, on instructions from ASI Anil Kumar and assisted by learned counsel for the complainant, has however opposed the prayer for bail on the ground that one agreement to sell has not been produced by the petitioner, on the basis of which FIR was registered.

In reply, learned senior counsel for the petitioner has submitted that during the period, when the petitioner was in judicial custody for about 09 months in FIR No.232, the police has taken all the documents from the petitioner and he has supplied photocopies of the agreement and receipt

(Annexures P-4 & P-5) to the Investigating Officer.

Without commenting anything further on merits of the case, considering the fact that the petitioner was granted interim anticipatory bail vide order dated 27.07.2017 and thereafter, he was arrested in some other FIR and remained in judicial custody for about 09 months, where he has again joined the investigation on production warrants, I deem it appropriate to confirm the order dated 27.07.2017 and the same is hereby made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

20.08.2018

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No