IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29206-2018
Date of decision:22.10.2018

Avinash

....Petitioner

Versus

State of Haryana and another

.....Respondent

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CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.55 dated 20.01.2018 under Sections 420, 467, 468, 471 of Indian Penal Code, 1860 registered at Police Station City Sirsa.

The allegations in nut-shell are that the petitioner had connived with Ramesh and Vijender partners of M/s Azad Pesticides and Fertilizers for committing fraud with the Bank and pursuant thereof a cheque for an amount of ₹2,81,90,000/- purportedly issued from the

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account of one Sushil Dev Prasad Jathana was presented in the Bank to be credited in the account of M/s Azad Pesticides and Fertilizers as the petitioner had assured the co-accused that he would facilitate the clearance of said cheque. However, the said cheque in question was not cleared as the Bank Authorities become suspicious and consequently present FIR was lodged.

Notice of this petition was issued to the respondent-State.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact no loss has been caused to the Bank and he is sought to be implicated solely on the basis of a disclosure made by co-accused Ramesh, Ravi and Aman, who were all partners in the firm, who had disclosed about the entire *modus operandi* adopted by the accused.

On the other hand learned State counsel has submitted that a departmental inquiry was held against the petitioner and his services have since been terminated which clearly indicates his complicity in the crime. It is however, informed that the petitioner has since joined the investigation and no longer required for custodial interrogation.

Having regard to the facts and circumstances of the case and bearing in mind that the entire case is based on the documentary evidence, in my opinion, it is not a case where custodial interrogation is warranted. Accordingly the petition is accepted and the interim directions issued vide dated 26.07.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating

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Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

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Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**

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