

Sr. No.208

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

CRM No. M-3170 of 2018 (O&M)

Date of Decision: 12.03.2018

Ranjodh Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rohit Chandel, Advocate for
Mr. H.R.Sharma, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. Antriksh Sharma, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre arrest bail to the petitioner in case FIR No.287 dated 21.07.2017, under Sections 406, 420, 120-B of IPC, registered at Police Station, Sector-5, Panchkula.

While issuing notice of motion, the following order was passed by this Court on 24.01.2018:-

“Petitioner, who is 70 years old, has filed the instant petition under Section 438 Cr.P.C read with section 482 Cr.P.C seeking the concession of pre-arrest bail in case FIR No.287 dated 21.7.2017 under sections 406, 420 and 120-B I.P.C, registered at Police

Station, Sector 5, Panchkula.

FIR came to be registered on the complaint of Abhishek Batta with the allegations of breach of trust and cheating under conspiracy by one Jitender Rana in pursuance to sale of a vehicle make Innova.

Counsel would contend that the allegations are against Jitender Rana i.e. son of the petitioner and who has since surrendered. Further contended that the vehicle in question has been taken back and presently is in possession with the complainant.

Notice of motion, returnable for 12.3.2018.

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.”

State counsel apprises the Court that the petitioner has since joined investigation. That apart it may be noticed that in the entire FIR the allegations are against the son of the petitioner i.e. Jitender Rana and who surrendered and thereafter has been granted benefit of regular bail.

Learned State counsel as also counsel representing the complainant would oppose the prayer by contending that the vehicle ultimately had been got registered in his name and as such he also had played an active role in the commission of offence.

These are matters pertaining to investigation and ensuing trial upon presentation of challan.

In the considered view of this Court, circumstances do not warrant custodial interrogation of the petitioner who is stated to be a senior citizen aged 70 years.

Prayer made in the petition is accepted.

Order dated 24.01.2018, passed by this Court is made absolute.

Disposed of.

12.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No