

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35384-2017(O&M)

Date of Decision: 22.02.2018

Vikram Saini

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. S.S. Gill, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.966 dated 10.11.2016 under sections 406, 420 and 120-B I.P.C, registered at Police Station, City Thanesar, District Kurukshetra.

On 24.10.2017, the following order was passed by this Court:-

“The petitioner is seeking anticipatory bail in FIR No.966 dated 10.11.2016, under Sections 406, 420 and 120-B IPC,registered at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner contends that as per the allegations in the FIR, no money has been paid to the petitioner. It is alleged in the FIR that the money was paid to Parveen Chopra, Animesh Bhardwaj and his wife Preeti Bhardwaj in the presence of the petitioner for sending the son of the complainant to U.S.A but instead of sending him to U.S.A, he was sent to Bangkok, where he was arrested.

List on 26.11.2017.

In the meantime, the petitioner is directed to appear before the Investigating Officer and join investigation.

In the event of his arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Rampal would apprise the Court that the petitioner has since joined investigation. He would, however, oppose the prayer for anticipatory bail by submitting that the petitioner is not cooperating in the matter and the original receipts regarding entrustment of money by the complainant for sending his son abroad are not being furnished even though co-accused Vipin Saini i.e. brother of the petitioner in his disclosure statement has indicated the complicity of the present petitioner namely Vikram Saini.

Be that as it may, this Court is inclined to extend in favour of the petitioner concession of anticipatory bail.

In the FIR it was complainant's initial version that there was specific entrustment of money on two different occasions to Parveen Chaudhary, Animesh Bhardwaj as also to Preeti Bhardwaj. However, during the course of investigation complainant seems to have taken a somersault and has filed an affidavit stating that Parveen Chaudhary, Animesh Bhardwaj and his wife Preeti Bhardwaj are not involved.

I find sufficient merit in the contention raised by counsel for the petitioner that this in itself creates a serious dent in the initial version of the complainant and which had led to the registration of the FIR.

In view of the above and coupled with the fact that the petitioner has already joined investigation, prayer made in the instant petition is accepted. The order dated 24.10.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No