

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

**227**

**CRR-3603-2017 (O&M)**

**Date of decision: 19.01.2018**

**Sant Ram and others**

**...PETITIONERS**

**VERSUS**

**State of Haryana**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**Present: Mr. Sanjay Vashisth, Advocate,  
for the petitioners.**

**Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.**

**Mr. N.S.Shekhawat, Advocate,  
for the complainant.**

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

In this revision petition, challenge is to the impugned order dated 15.09.2017 passed by the Additional Sessions Judge, Faridabad, wherein the earlier bail granted to the petitioners under Section 438 Cr. P.C. which was later on confirmed, stands cancelled.

It is the contention of the learned counsel for the petitioners that the earlier order passed by the trial Court dated 25.07.2016 has been wrongly cancelled especially when the orders passed therein and thereafter as per the interim order passed by the trial Court in an application for cancellation of bail, which was filed on 04.07.2017 stood duly complied

with by giving specimen signatures and handwriting along with thumb impressions as per the directions of the trial Court on 06.09.2017. He contends that the trial Court had not appreciated the fact that the petitioners have been co-operating in the investigation and have been assisting the Investigation Agency as and when called upon and on receipt of notice under Section 160 Cr. P.C., they had appeared before the Investigation Officer. He, thus, contends that the impugned order cannot sustain.

On the other hand, learned counsel for the State as also the learned counsel for the complainant submit that despite specific orders passed by the trial Court, the petitioners did not comply with the same and, therefore, the Court was forced to cancel the anticipatory bail order, which was confirmed. They contend that the petitioners have not only defrauded the complainant but have misappropriated a sum of Rs. 8,50,000/-, which is still to be recovered from the petitioners. They, thus, contend that the order cancelling the bail of the petitioners dated 15.09.2017 is passed based on the facts and circumstances of the case, which does not call for any interference by this Court.

Having considered the submissions made by the counsel for the parties and having gone through the records of the case, it is apparent that the bail application under Section 438 Cr. P.C. came up for hearing before the learned Additional Sessions Judge, Faridabad when an order dated 05.07.2016 was passed directing the petitioners to appear before the Investigation Officer and join the investigation granting them the interim benefit. Thereafter, the order confirming the interim order was passed on 25.07.2016 where the operative part of the order indicated that the Court had come to a conclusion that the whole case was based on fabrication of

false affidavit and there was no ground for custodial interrogation except for directing the petitioners, who were applicants before the Court, to join investigation as and when called by the police with prior notice under Section 160 Cr. P.C. with specific date and time. They were further directed to give their specimen handwriting, signatures and thumb impressions to the police, if so desired. This order shows the conclusion drawn by the learned Additional Sessions Judge while confirming the order of interim bail granted to the petitioners. The impugned order dated 15.09.2017 indicates that the petitioners have not given their specimen handwriting and signatures along with their thumb impressions, which has resulted in cancellation of their order of bail.

The case came up for hearing before this Court on 09.01.2018, when on hearing the parties, this Court had directed the petitioners to again appear before the Investigation Officer on 15.01.2018 at 10 A.M. and to give their specimen handwriting, signatures and thumb impressions to the Investigation Officer, which was required for the investigation purposes.

Counsel for the State, on instructions from Mr. Shahid Ahmed, Sub Inspector, Police Station Chhainsa, District Faridabad, submits that the petitioners have indeed given their specimen handwriting, signatures and thumb impressions. The requirement of the Investigating Agency as also that of the order dated 25.07.2016, non-compliance whereof was alleged, resulting in the subsequent order dated 15.09.2017, vide which the bail order dated 25.07.2016 stood cancelled, stands fulfilled.

The present petition is allowed and the impugned order dated 15.09.2017 passed by the Additional Sessions Judge, Faridabad, is hereby set aside.

Order dated 09.01.2018 passed by this Court is made absolute.

The petitioners shall continue to join investigation as and when called upon to do so and co-operate with the same. They shall continue to comply with the conditions laid down under Section 438 (2) Cr. P.C.

**January 19, 2018**

*pj*

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether Reportable: Yes/No**