

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-79-2019 (O&M)
Date of Decision : 8.1.2019

Mahender Singh

....Petitioner

vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ravneet Singh Joshi, Advocate
for the petitioner.

Mr. Ashish Verma, Advocate
for the complainant.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 211 dated 15.12.2018 registered under Sections 384/120-B IPC at PS Jakhal, District Fatehabad.

On 3.1.2019 the following order was passed :-

“The petitioner has sought anticipatory bail in case FIR No.211 dated 15.12.2018 under Sections 384/120-B IPC registered at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner has made various complaints of misappropriation of Panchayat funds by complainant Narinder Pal Singh and his wife Amandeep Kaur who remained Sarpanch for two terms consecutively.

The FIR is a result of counter-blast of complaints made by the petitioner against the complainant and his wife. The alleged acts as narrated in the FIR do not constitute the offence of extortion. No custodial interrogation is required as nothing is to be recovered from the petitioner.

Notice of motion returnable for 08.01.2019.

On asking of the Court, Ms. Nidhi Garg, AAG, Haryana, accepts notice on behalf of respondent-State. A complete set of paper book has been supplied to learned State counsel who would complete the instructions by the next date of hearing.”

Learned counsel for the petitioner has argued on the same line. Learned counsel for the complainant and learned Deputy Advocate General however has asserted that video which was shot by the complainant clearly shows that the petitioner and the Nambardar were demanding money. Therefore, it is not the case where anticipatory bail should be granted.

It is admitted that parties are inimical to each other. In the circumstances, the possibility of false complaint against each other cannot be ruled out. However, in my opinion, at this stage it would not be appropriate to keep the petitioner in custody.

Resultantly, the petition is allowed. In the event of arrest of the petitioner he will be released on bail by the Investigating Officer subject to the condition envisaged under Section 438 (2) Cr.P.C. The petitioner is directed to appear before the Investigating Officer as and when his presence is required. In case the petitioner does not appear before the Investigating Officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

8.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No