

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-459-2019

Date of Decision: 29.01.2019

Dharamender

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. R.N. Lohan, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Dharamender has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.322 dated 18.09.2018, registered at Police Station Civil Lines, Jind, District Jind, under Sections 420 and 406 of the Indian Penal Code.

Notice of motion was issued.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegations in the FIR, the present petitioner has borrowed ₹7,25,000/- from the complainant and thereafter, the present petitioner stated that he is the owner of the firm and asked for ₹1,25,000/- more for making the complainant as partner of equal share in the firm. He also executed an affidavit regarding the same. Later on, he (complainant) came to know that the present petitioner was not the

owner of the firm and when he demanded back his money then the accused refused to pay back the same.

In pursuance of the interim order dated 10.01.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 10.01.2019, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

29.01.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No