

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-569-2019

Date of decision: 02.04.2019

Baljinder Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepak Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Ms. Vijay Lakshmi Tanwar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.457 dated 14.12.2018 under Sections 406, 420 IPC, registered at Police Station Ambala City.

While granting interim bail to the petitioner, following order was passed by this Court on 10.01.2019: -

“Counsel for the petitioner inter alia contends that the basis for registration of the FIR is a compromise dated 31.03.2018, which was effected between the complainant Charan Singh and Surjit Singh on one side and Narinder Singh, brother of the petitioner as well as Gurbachan Singh, father of the petitioner on the other side, in which the parties had agreed to repay certain amount. It is further submitted that the petitioner – Baljinder Singh has no

concern with the firm M/s Gurbachan Singh Narender Singh as the petitioner is running M/s Gurbachan Singh Krishan Lal. Counsel for the petitioner has relied upon the income-tax returns of the firm of the petitioner (Annexures P2 and P3) in this regard.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Raghubir Singh and assisted by learned counsel for the complainant, has however submitted that by way of mutual settlement, Gurbachan Singh and Narinder Singh have agreed to pay an amount to the complainant and petitioner Baljinder Singh was a witness to the same and therefore, he is also liable to return the amount.

However, a perusal of this agreement/settlement shows that the same was arrived at before the Investigating Officer, Economic Cell, Ambala on 31.03.2018 and only Gurbachan Singh and Narinder Singh had admitted to pay the amount on or before 30.07.2018 and the petitioner was not a party rather he has signed as a witness.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 10.01.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

02.04.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No