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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4542-2019

Date of Decision : March 18, 2019

Surinder Kumar Petitioner

Versus

State of Haryana Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Ms. Aashna Gill, Advocate,
for the petitioner.

Mr. Aashish Sanghi, DAG, Haryana,
for respondent-State .

Mr. Deepak K. Sharma, Advocate,
for Mr. Diwan S. Adhlakha, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No. 39 dated 28.02.2018 under Sections 406, 420, 506, 120-B IPC registered at Police Station – Bilaspur, District Yamuna Nagar.

2. Learned counsel for the petitioner contended that false FIR has been registered against the petitioner. Earlier bail application filed by the petitioner was dismissed by this Court vide orders dated 17.12.2018 on the ground that the petitioner did not cooperate with the Investigating

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agency and as such, effective investigation could not be carried out.

3. Learned counsel for the petitioner further contended that there are no allegations regarding criminal breach of trust and the allegations in the FIR are that the petitioner and his co-accused had duped the complainant of Rs.17.00 lacs for installing Poly House, but no such work was done by the petitioner. The petitioner has already joined the investigation and he is ready to join investigation again. The petitioner had also moved an application (Annexure P/6) to the Director General of Police regarding the act and conduct of the Investigating Officer of the case, but no action was taken. Subsequently, he had filed another application for anticipatory bail before learned Additional Sessions Judge, Yamuna Nagar and the same was also dismissed.

4. Learned State counsel as well as learned counsel for the complainant contended that the petitioner had mis-appropriated huge amount and his presence is required for the purpose of investigation. The petitioner had not cooperated with the Investigating Agency and as such, Court of learned Additional Sessions Judge had dismissed his application for anticipatory bail twice and this Court also dismissed pre-arrest bail application vide order dated 17.12.2018 passed in CRM-M-14563-2018. As such, no case is made out for grant of anticipatory bail to the petitioner.

5. Having considered the submissions made by learned counsel for the parties and the above facts that there are specific allegations of mis-appropriation of amount and cheating against the petitioner and that the petitioner had grabbed Rs.17.00 lakhs from the bank account in the name of installing Poly House, for effective investigation, he is required to join

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the investigation and no case is made out for grant him the concession of pre-arrest bail.

The present petition stands dismissed in above terms.

(SHEKHER DHAWAN)
JUDGE

March 18, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes