

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

(i) CRM No.M-12170 of 2016 (O&M)

Pardeep Deswal

...Petitioner

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-15934 of 2016 (O&M)

Pardeep Deswal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

Date of Decision: May 09, 2019

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

Mr.Sharad Kumar Yadav, DAG, Haryana
for the respondent-State.

Mr.Ravinder Malik, Advocate
for the complainant-respondent No.2.

INDERJIT SINGH, J.

Though, there are different FIRs but both the above-mentioned cases are taken up together as there are connected facts.

Petitioner has filed these petitions under Section 438 Cr.P.C.

for grant of anticipatory bail in case FIR No.190 dated 09.03.2016 under Section 306 IPC and in case FIR No.200 dated 13.03.2016 under Sections 406, 420 and 506 IPC, both registered at Police Station Urban Estate, Rohtak.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant-respondent No2 appeared and contested the petitions.

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

The perusal of the record shows that FIR No.200 dated 13.03.2016 was registered under Sections 406, 420 and 506 IPC on the basis of application submitted by Anil Kumar that accused has cheated him. FIR No.190 dated 09.03.2016 was got registered by Renu, wife of Anil Kumar, as Anil Kumar committed suicide on the ground that he was under depression as Pardeep Deswal-petitioner had usurped his cash etc.

The perusal of record of these bail petitions shows that ₹26 lakhs was paid by the present petitioner to the complainant side during the pendency of the proceedings in these cases. This fact is also admitted by learned counsel for the complainant that complainant has received ₹26 lakhs till now from the petitioner. Learned counsel for the complainant contended that complainant side has been cheated for a huge amount and total amount has not been paid.

The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him.

No useful purpose will be served by sending and keeping the petitioner in

custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and in view of the fact that ₹26 lakhs has already been paid to the complainant, I find it a fit case, where petitioner is entitled to benefit of anticipatory bail. Therefore, both the petitions are accepted and the order dated 07.04.2016 passed in CRM No.M-12170 of 2016 and order dated 09.05.2016 passed in CRM No.M-15934 of 2016 granting interim bail to the petitioner, are made absolute.

May 09, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No