

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

**CRM-M No.19575 of 2018 (O&M)
Date of Decision: 25.07.2019**

Vikram Saini

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sukhvinder Singh Nara, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana for respondent No.1/State.

Mr. Deepak Saini, Advocate for respondent No.2.

None for respondent No.3 despite service.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.147 dated 27.04.2018, under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Naraingarh, District Ambala.

This Court, while issuing notice of motion on 11.05.2018 in the main petition, passed the following order:-

“ Learned counsel for the petitioner submits that the petitioner has falsely been implicated at the instance of respondent No.2. Certain facts have been concealed in the complaint on the basis of which FIR has been registered. Learned counsel also submits that many other FIRs have also been registered against the petitioner and just to put a pressure upon the petitioner, the present FIR has been registered after an unexplained delay of more than two and a half years, whereas no criminal offence is made out.

During course of hearing, it has been brought to the notice of this Court by Mr. Pritam Saini, Advocate for the complainant that the petitioner is not appearing in other complaints/cases and he is avoiding the Court proceedings.

Notice of motion to respondent No.1 only at this stage.

On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent No.1 and seeks time to get instructions. Two copies of petition be supplied to him during course of the day.

Learned State counsel is directed to file status report with regard to other cases also.

Adjourned to 30.05.2018.

Meanwhile, arrest of the petitioner shall remain stayed till next date of hearing. ”

Contentends that in terms of above order, petitioner has joined the investigation.

On the other hand, learned State Counsel, on instructions from ASI Ravinder has acknowledged that in terms of order dated 11.05.2018, petitioner has joined the investigation, but opposed the prayer on the ground that he is not supplying some documents i.e. Agreements dated 09.02.2016 & 19.05.2016; Receipt of ₹ 2 Lakh as well as Lease Deed dated 16.10.2015 of Shiv Shakti Screening Plant.

Similar stand is taken by learned Counsel for respondent No.2.

Heard learned Counsel for the parties and perused the paper-book.

Since the petitioner has already joined the investigation and as per the FIR, there is no such allegations regarding the above agreements or receipt. Moreover, the pre-arrest bail is sought to be opposed on the basis of the above agreement/lease deed, which pertain to February, 2016/October,

2015, respectively and the present FIR has been lodged on 27.04.2018, thus, there is no justification to deny the pre-arrest bail to the petitioner. As a result thereof, without expressing any opinion on the merits of the case, the present petition is allowed and interim order dated 11.05.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 25, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>