

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-21948 of 2018

.....

Date of decision:14.01.2019

Chander Mukhi Bhargav

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

(2) Criminal Misc. No.M-24396 of 2018

.....

Vikas Bhargav

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Deepak Singh Saini, Advocate for the petitioners.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Kunal Muthreja, Advocate for respondent No.2.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.02 dated 04.01.2018 registered for the offences under Sections 406 and 420 IPC at Police Station Bond Kalan, District Charkhi Dadri.

Notice of motion has been issued in these cases.

Mr. Sharad Kumar Yadav, learned Deputy Advocate General,

Haryana has put in appearance on behalf of the respondent-State and Mr. Kunal Muthreja, learned Advocate has appeared on behalf of respondent No.2 and contested these petitions.

I have heard learned counsel for the parties and learned State counsel appearing for the respondent-State and have gone through the record.

As per the FIR, which has been registered on the complaint of Bishan Singh, he had purchased Bhargav Filling Station Petrol Pump, situated at bond Kalan, District Dadri on 02.05.2013. As per the complainant, about ₹9 Lakhs have been paid to the owner Chander Mukhi Bhargav but she has not transferred the same in his name. It is also the case of the complainant that Vikas Bhargav has taken Rs.5 Lakhs on behalf of Chander Mukhi Bhargav.

After hearing learned counsel for the parties and after going through the record, I find that it is itself in the FIR that ownership of this petrol pump cannot be transferred and it is not permissible to sell the petrol pump. Petitioner Chander Mukhi Bhargav has already joined the investigation. As stated she is not required for any custodial interrogation. Nothing is to be recovered from her. No useful purpose will be served by sending the petitioner to custody.

Therefore, I find merit in Cr. Misc. No.M-21948 of 2018 and the same is allowed. The interim order dated 19.12.2018 passed by this Court granting interim bail to petitioner-Chander Mukhi Bhargav 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.

As regards Vikas Bhargav-petitioner, he is not the owner. He has taken money of ₹5 Lakhs as per the allegations in the FIR on behalf of Chander Mukhi Bhargav-another petitioner. He is not even authorized agent nor attorney of Chander Mukhi Bhargav.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I accept Criminal Miscellaneous No.M-24396 of 2018 and in the event of arrest, petitioner-Vikas Bhargav shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. 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.

Both the petitions are allowed in the above terms.

January 14, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No