

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

**CRM-M No.22486-2018 (O&M)
Date of Decision : 08.05.2019**

Devi Dyal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Barjinder Singh, Advocate for
Mr. Naveen Sharma, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.0307 dated 22.12.2016 registered under Sections 406/420/467/468/471/120-B IPC at Police Station Parao, Ambala City.

On 29.08.2018 the following order was passed :-

“Learned State counsel has submitted that the truck is to be recovered from the petitioner and his signatures and other documents are required for comparison.

In view of above, adjourned to 31.10.2018, for further proceedings.

In the meanwhile, the petitioner is directed to surrender before the Arresting/Investigating Officer within seven days. On doing so, he shall be released on interim bail, subject to his furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

As per allegations, in the year 2011 the petitioner had taken the truck of the complainant on the understanding that he would manage the truck and pay of all the installments and then return the truck to the petitioner. The installments were paid in 2012 but later on the complainant came to know that the petitioner had obtained the NOC from the bank and had sold the truck by forging the signatures of the complainant.

Learned counsel for the petitioner has argued that in this case as per the complainant he had come to know about the offence in the year 2013 but he had filed this complaint only after 3 years.

Learned counsel for the complainant and learned State Counsel on instructions ASI Khushi Ram have tried to argue that this delay occurred because the complainant was regularly following up the matter with the petitioner.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 29.08.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

08.05.2019
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No