

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-50015-2018(O&M)

Date of Order:16.09.2019

Pawan Kumar Jindal

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Vashisth, Advocate, for the petitioner.  
Mr. Manish Bansal, DAG, Haryana.  
Mr. Rajesh Tushar, Advocate, for respondents no.2 to 4.

ANIL KSHETARPAL, J.

Prayer in the petition is for cancellation of pre-arrest bail granted by the learned Additional Sessions Judge, Ambala, vide order dated 21.08.2018. The operative part of the order reads as under:-

*“As per case of prosecution, accused/petitioners by hypnotizing the complainant had obtained Rs.58 lacs from him and had also executed a writing dated 27.12.2013 in this regard. According to complainant, he had also taken advance money which he had obtained from his relatives. According to complainant, he threatened to commit suicide, on this only accused admitting to have taken money from him, executed a writing dated 27.12.2013. However, learned Public Prosecutor and learned counsel for complainant could not dispute the fact that three days prior to execution of said writing, after withdrawing Rs.24 lacs from account of his wife, complainant had given the same to petitioner Pawan Kumar. Further, during the period of 13.4.2017 to 22.12.2017, son of complainant had also transferred Rs.15,59,050/- in account of petitioner. Thus, keeping in view the aforesaid facts and circumstances of the case, it is ordered that in the event of arrest, petitioners shall be released on bail on their furnishing surety to satisfaction of IO/Arresting Officer. They shall join investigation on 25.08.2018 and comply with terms and conditions laid down under Section 438(2) Cr.P.C. Adjourned to 28.08.2018 for further proceedings.”*

Learned counsel for the petitioner submits that since the

amount involved is huge, therefore, the learned Additional Sessions Judge could not have granted pre-arrest bail. He further submits that the discretion exercised by the Court is erroneous.

On the other hand, learned counsel for the respondent-accused has submitted that after completion of the investigation, final report under Section 173 Cr.P.C. has been submitted, charges have been framed and the case is now fixed for prosecution evidence.

The pre-arrest bail granted by the learned Additional Sessions Judge is after recording cogent reasons. Now once the investigations are complete, there is no occasion for the Court to set aside the order. Case is triable by Magistrate. There are no allegations that the concession of pre-arrest bail has been misused. As noticed, there are writings and the amount has been withdrawn by the first informant and his mother from their bank accounts.

Keeping in view the aforesaid facts, the present petition is dismissed.

**September 16, 2019****nt**

Whether speaking/reasoned

Whether reportable

**(ANIL KSHETARPAL)****JUDGE**

: Yes/No

: Yes/No