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

**CRM-M-50542-2018 [O&M]**

**Date of Decision : July 25, 2019**

Ashok Kumar

.... Petitioner

Versus

State of Haryana and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

Argued by Mr. Sat Narain Yadav, Advocate,  
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana,  
for respondent-State.

Mr. Vivek Khatri, Advocate,  
for respondent No.2.

**SHEKHER DHAWAN, J.**

**CRM-18346-2019**

Application is allowed as prayed for. Order dated 9.4.2019,  
Annexure P/6, filed with the application is taken on record.

CRM stands disposed of.

**Main Petition**

Present petition under Section 438 of the Code of Criminal Procedure is for grant of pre-arrest bail to the petitioner in Complaint Case No. 10 dated 24.09.2015 under Sections 420, 467, 468, 471, 120-B, 166 and 217 IPC (Annexure P/1) pending in the Court of learned Judicial Magistrate 1st Class, Kanina, District Mahendergarh.

2. Learned counsel for the petitioner contended that petitioner, Ashok Kumar son of Om Parkash has been falsely implicated in this case

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whereas the main accused is other Ashok Kumar, who has already been released by learned Magistrate vide order, Annexure P/6.

3. Learned counsel for the petitioner further contended that the main dispute is regarding conflict of business interest between the complainant and accused party. Present petition for pre-arrest bail has been filed in a criminal complaint and the petitioner would not be required for investigation in the matter.

4. Learned State counsel and learned counsel for respondent no.2 contended that in fact, the petitioner is the main accused and there are serious allegations against him. So, his bail application be dismissed.

5. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file and taking into consideration the nature of allegations against the petitioner and that fact that the petitioner is an accused in a case on the basis of a private complaint and co-accused Ashok having already been released on bail by learned Magistrate, this Court is of the considered view that no useful purpose would be served by detaining the accused in custody as no recovery is to be effected and the custodial interrogation of the petitioner is not required.

6. Resultantly, the present petition is allowed and the order dated 17.11.2018 granting interim bail to the petitioner is made absolute. In the event of arrest, the petitioner shall be admitted to bail to the satisfaction of learned trial Court.

**(SHEKHER DHAWAN)**  
**JUDGE**

**July 25, 2019**  
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