

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50609 of 2018(O&M)

Date of Decision: 28.02.2019

Mohinder Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: - Mr. J.K. Goel, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana

Ms. Suman Bishnoi, Advocate for
Mr. Parminder Singh, Advocate
for the complainant.

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HARINDER SINGH SIDHU, J.

This is a petition for grant of anticipatory bail to the petitioner in case FIR No. 1177 dated 24.09.2018 registered at Police Station Karnal City, District Karnal, under Sections 406, 420 and 506 IPC (Section 506 IPC was added lateron).

First Information Report was lodged on the statement of one Manohar Lal son of Faquir Chand. It is alleged that the petitioner is a neighbour of the complainant. The petitioner allured the complainant for advancing him a loan of Rs.19,00,000/- on the promise of investing in some business, which would give a return of at least 2% per month to the complainant. The amount was stated to be advanced in the month of December, 2015. However, the petitioner neither returned the amount nor gave him any interest thereon as promised. A number of times punchayats were convened but the petitioner denied having received any amount.

It is the case of the petitioner that he is a shopkeeper and a neighbour of the complainant. The complainant is a member of a committee.

The amount of his contribution has been returned by depositing in the account of the complainant at suitable intervals.

Vide order dated 03.12.2018, the petitioner was granted interim anticipatory bail and directed to join investigation and he has joined the investigation.

There is no documentary record regarding the amount allegedly paid to the petitioner by the complainant. The respondent-State is relying on the statements of some witnesses to claim that the amount as alleged has been paid in their presence.

Considering the nature of the allegations and the facts and circumstances, in my view the petition deserves to be and is allowed. The order dated 03.12.2018, granting interim anticipatory bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 28, 2019
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(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/ reasoned:
Whether Reportable:

Yes
Yes/No