

209
THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.11.22 10:51
I attest to the accuracy and
authenticity of this document

CRM-M-23441-2019
Date of decision : 21.11.2019

Anil Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG Haryana.

Mr. Ravinder Phogat, Advocate
for complainant.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 139, dated 4.5.2019, registered under Sections 323, 506, 384, 120-B IPC and under Section 25 of Arms Act, 1959 at Police Station Civil Lines, Bhiwani, District Bhiwani.

The FIR has been lodged on the complaint of one Sudhir Chowdhary, who is working as a Chemical Scientist in Public Health Department. The allegations are that complainant's house is situated in Hisar which he had sold. The petitioner, who is a property dealer had come to complainant's office in Bhiwani in connection with sale of said house, however, deal could not be finalized. Meanwhile, one Savita directly started contacting the petitioner regarding the sale of house. The complainant informed Savita that he had already sold the house. Despite that, Savita insisted the complainant to visit her house. He went to her house on 2.5.2019. Then, Anil (petitioner) accompanied by another person came there. The complainant was given beatings with sticks and he was threatened that he would be falsely implicated in some case. The petitioner forcibly got one bag from the car of complainant. A cheque book was lying in the bag. The petitioner forced the complainant to sign the cheques and also fill in the cheque amount. It is alleged that 25 cheques of Syndicate

Bank and Overseas Bank were got filled in by complainant under threat.

Vide order dated 22.5.2019, petitioner was granted interim bail and directed to join investigation. It is not denied that the petitioner has joined the investigation, however, the learned State counsel, on instructions from SI Umed Singh, states that the petitioner is not cooperating in the investigation and cheques in question have not been got recovered.

The learned counsel for petitioner states that the allegations against the petitioner are totally false. The petitioner is not in possession of any cheque, as alleged. He further states that petitioner is neither in possession of cheques of Syndicate Bank and Overseas Bank nor in possession of any other cheque, issued by complainant. Accordingly, there is no question of the petitioner misusing any of said cheques.

In view of above, petition is allowed. The order dated 22.5.2019, 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 conditions of Section 438 (2) Cr.P.C.

(HARINDER SINGH SIDHU)
JUDGE

21.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No