

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

209

CRM-M-7123-2018

DATE OF DECISION: 01.11.2019

HANS.U. NAGAR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Pratham Sethi, Advocate for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

Mr. Gautam Dutt, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.40 dated 22.01.2018 under Sections 419, 420, 467, 468, 471 IPC registered at Police Station Shivaji Nagar, District Gurugram.

Learned counsel for the petitioner contends that the FIR is outcome of a dispute between brothers. It is alleged in the FIR that the petitioner had forged the signatures of the complainant on the power of attorney and other documents which were used in civil suit in the year 2012. He, therefore, states that there is a delay of 6 years in registering the FIR and no harm in real terms was caused to the complainant. It is alleged that the petitioner had only intended to defraud the complainant and a civil suit is pending adjudication before the trial Court. He also contends that as the dispute was between brothers, the matter had been referred to the mediation. Report of the Mediator has been received wherein it is mentioned that the complainant did not appear before the Mediator. He also contends that the petitioner is not involved in any other case.

Learned counsel for the complainant states that the complainant is not interested in settlement of the matter. He also states that the petitioner is not entitled to the concession of anticipatory bail in view of the allegations against him.

A coordinate Bench of this Court, by the order dated 20.02.2018, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Anil Kumar, states that although the petitioner has joined investigation but his custodial interrogation is required. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner that the petitioner is 70 years of age, no harm in real terms was caused to the complainant and the matter is pending adjudication before the Civil Court.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is 70 years of age, he is not involved in any other case and the petitioner having joined investigation, the order dated 20.02.2018 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

01.11.2019.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No