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

CRM-M-31518 of 2019

Date of decision: August 29, 2019

Mukesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Dinarpur, Advocate for the petitioner.

Mr. Rahul Mohan, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.279 dated 30.06.2019, under Sections 406, 420, 506 of Indian Penal Code, 1860, registered at Police Station Sadar Thanesar, District Kurukshetra.

As per prosecution case, petitioner induced the complainant and duped him to the tune of ₹20 lakhs regarding starting a factory, but installed defective machinery. Petitioner also threatened the complainant with dire consequences.

On 25.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that complainant has already taken the recourse to the remedy by filing a civil suit seeking damages and reference is made to P-3.

Notice of motion for 29.08.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Assistant Sub Inspector Subhash Chand has stated that in terms of order dated 25.07.2019, petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 25.07.2019 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

August 29, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No