

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

CRM-M-36604-2019 (O&M)

Date of decision : 22.10.2019

Yamin Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Vikas Chopra, Deputy Advocate General, Haryana.

Mr. Narender Singh, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

On 02.09.2019, following order was passed by this Court:-

“Petitioner prays for grant of pre-arrest bail in FIR No.360, dated 06.08.2019, registered under Sections 420/406/182/506/34 IPC, at Police Station Bilaspur, District Gurugram, Haryana.

Learned counsel for the petitioner submits that it is the petitioner, who had first lodged a complaint with the police, on which no action was taken.

It is the case of the prosecution that the petitioner used to purchase fuel for running a truck owned by him on credit basis and large amount became due. When driver of the petitioner came to pump for refueling, he parked his truck in the fuel station with promise to return back with the balance payment.

Notice of motion for 22.10.2019.

On asking of Court, Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the State. Copy of the petition be handed over to Mr. Manish Bansal, DAG, Haryana, during the course of the day.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the State, on instructions from ASI Ajit, has submitted that the petitioner has joined investigation. However, amount of ₹15,00,000/- which is payable to the first informant is still to be recovered. Whether the amount is due or not is subject matter of evidence to be led by the parties.

Still further, criminal prosecution is not for recovery of the amount. Hence, interim order dated 02.09.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

22.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No