

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

CRM-M-39281-2019 (O&M)

Date of decision : 20.11.2019

Ishwar Singh Nain

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R. Kartikaye, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana alongwith
Inspector Jasbir Singh.

ANIL KSHETARPAL, J. (ORAL)

On 16.09.2019, following order was passed by this Court:-

“Petitioner prays for grant of pre-arrest bail in FIR No.573 dated 10.12.2015 registered under Sections 406, 409 of the Indian Penal Code at Police Station Mujessar, Faridabad.

Learned counsel for the petitioner contends that the entire defaulted amount of Employees Provident Fund has already been deposited by Ajay Kumar and the petitioner is sought to be falsely implicated after a period of 9 years. He further submits that the learned Additional Session Judge granted the interim protection to the petitioner. However, since, the petitioner is falsely implicated in 5 such criminal cases, therefore, he had prayed for only 2 weeks time to join investigation so that he can get

protection in other cases also which are pending in this week only before the learned Court of Sessions.

Notice of motion.

On asking of the Court, Mr. Manish Bansal, DAG, Haryana accepts notice on behalf of State of Haryana and seeks time to get instructions.

Let a copy of the petition be handed over to the learned counsel for the State, during the course of the day.

Adjourned to 15.10.2019.

Petitioner is directed to join the investigation on 26.09.2019 at 10:00 AM.

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 on 26.09.2019 at 10:00 AM and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

On 15.10.2019, following order was passed by this Court:-

“Learned counsel for the petitioner after seeking instructions submits that entire defaulted amount shall be deposited with the complainant within one month. He further submits that this deposit shall be without prejudice to his rights to claim refund thereof after establishing his rights.

Learned counsel for the State has no objection.

In view thereof, adjourned to 20.11.2019 to enable the petitioner to deposit the amount.

Interim protection to continue till next date of hearing.

Petitioner has offered to pay the amount as counsel

for the State on instructions from Inspector Jasbeer Singh has taken a stand that other partner Ajay Sindhu has not deposited the disputed amount.”

Learned counsel for the petitioner submits that defaulted amount has already been deposited, correctness whereof is not disputed by the learned counsel for the State.

Learned counsel for the State, on instructions from Inspector Jasbir Singh, has submitted that the petitioner has joined investigation, cooperated and not required for further custodial interrogation.

In view thereof, order dated 16.09.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

20.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No