

CRM-M-57179-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57179-2018

Date of Decision :22.4.2019

Tarsem Chand Kansal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.J.S.Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr.D.S.Nalwa, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.517 dated 16.10.2018 registered under Sections 406, 420 IPC, 1860 registered at Police Station Baldev Nagar, Ambala.

On 19.12.2018, the following order was passed :-

“Learned senior counsel for the petitioner submits that the petitioner and complainant are partners and certain terms and conditions were signed by both the parties. There was an arbitration clause also in case, there is any dispute between the parties. Learned senior counsel also submits that the petitioner was initially released

on interim bail but subsequently, the same has been dismissed. The petitioner has already joined investigation and is ready to join investigation again.

Notice of motion for 22.02.2019.

Mr. K.S. Nalwa, Advocate appears on behalf the complainant and has opposed the submissions made by learned senior counsel for the petitioner on the ground that the money was transferred from the account of the firm and the same was deposited in the personal account whereas learned counsel for the petitioner submits that no money was deposited in the personal account of the petitioner.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall also join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.

The complainant is also directed to appear before the Investigating Officer along with his stand.

Counsel for the complainant is also at liberty to file reply, if any.”

Counsel for the complainant states that even though the transfer to the account of the petitioner and his family members may not be substantial yet the amount of cash withdrawals clearly shows that petitioner

was defrauding the complainant.

Today counsel for the petitioner has stated that the petitioner has joined the investigation.

Learned AAG on instructions from ASI Surinder has accepted these factual assertions and stated that he is no more required for custodial interrogation.

In view of the order 19.12.2018 and the fact the he has joined the investigation, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Petition is allowed. Interim order dated 19.12.2018 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.4.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No