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

1. **CRM-M No.1039 of 2020 (O&M)**
Date of Decision: 03.03.2020

KAPILPetitioner
Vs
STATE OF HARYANARespondent

2. **CRM-M No.6411 of 2020 (O&M)**

RAHULPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sanjiv Gupta, Advocate
for the petitioner in CRM-M No.1039 of 2020.

Mr. Mohan Singh Rana, Advocate
for the petitioner in CRM-M No.6411 of 2020.

Mr. Anmol Malik, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CRM-M Nos.1039 and 6411 of
2020 are being decided.

Petitioners seek grant of anticipatory bail in case
bearing FIR No.351 dated 14.09.2019 registered under Sections
120-B, 406, 409, 420 IPC at Police Station Hathin District
Palwal.

Since both the petitions have arisen out of the same
FIR, therefore, common facts are being noticed.

Petitioner-Kapil is seeking grant of anticipatory bail on the ground that he is a Computer Operator on a *Dhramkanta* on which truck load of damaged wheat was weighed. Name of the petitioner came to be disclosed by co-accused Deepak to the extent of alleging that he through the petitioner was paid an amount of Rs.5,000/-. Petitioner-Kapil is a contractual employee and he had received many calls from other customers as well. No recording has been done by way of electronic mechanism between the petitioner and co-accused Deepak in the context of payment of aforesaid amount. On 13.01.2020 interim protection was granted to the petitioner-Kapil directing him to join the investigation.

So far as petitioner-Rahul is concerned, he is a temporary safai *karamchari*. His name has been disclosed by the co-accused in the disclosure statement. An amount of Rs.5,000/- is alleged to have been paid to him.

The payment of aforesaid amount would also remain debatable on the same principle as in case of petitioner-Kapil.

Learned State counsel on instructions from ASI Subhash submitted that petitioner-Kapil has co-operated with the investigation, but petitioner-Rahul has not co-operated with the investigation.

Since the complicity of the petitioners would remain

debatable even in the context of paying any tainted amount to them as their names have been surfaced only in the disclosure statement of co-accused, therefore, I deem it appropriate to confirm the interim orders dated 13.01.2020 and 13.02.2020 passed in CRM-M No.1039 of 2020 and CRM-M No.6411 of 2020 respectively. Ordered accordingly.

Petitioners shall keep on joining the investigation as and when directed to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Both the petitions stand disposed of.

March 03, 2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No