

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

CRM-M -4138-2019 (O&M)

Date of Decision: February 11, 2020

Bhupinder Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravinder Bangar, Advocate
for the petitioner.

Ms. Mahima Yashpal, Asst. A.G., Haryana.

Mr. Vikas Bishnoi, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of Cr.P.C., for cancellation of anticipatory bail which was granted to respondent No.2 by the Ld. Addl. Sessions Judge, Hisar vide order dated 20.09.2018 in FIR No. 247 dated 30.08.2018 under Section 384, 386, 420, 509 IPC at Police Station Adampur, District Hisar alleging that the recovery is still pending and nothing could be recovered due to the above said bail order, even the respondent No. 2 is not cooperating in the

investigation.

Learned counsel for the petitioner would contend that no recoveries have been made by the Investigating Officer regarding the money that has been paid by the petitioner - Bhupinder Singh to the accused-respondent No.2. It is contended that one lady (whose name has been withheld) was in the process of filing an FIR under Section 376 IPC against Sudhir, who is none other than the brother-in-law of the petitioner herein and a settlement had been arrived at between the petitioner and the said lady for a sum of ₹20 lacs that she would not file the said FIR. This compromise was arrived at through the intervention of respondent No. 2 herein, to whom an amount of ₹3.5 lacs had been paid. The Additional Sessions Judge, Hisar vide order dated 20.09.2018 directed respondent No.2 herein to join investigation. Learned counsel for the petitioner further submits that the recovery of ₹ 90,000/- had been made whereas the balance amount of ₹2.6 lacs is due and pending. Learned counsel for the petitioner is also aggrieved against the observation made that the dispute regarding recovery is of a civil liability and the parties would be free to avail civil remedy available as per law. He is also aggrieved by the noting that is given that respondent No. 2 is not co-operating in the said proceedings.

Per contra, learned counsel for the respondent-State would submit that the matter has been investigated and a challan has been filed and therefore, respondent No. 2 is no longer required for further investigation after having joined the investigation.

I have heard learned counsel for the parties and find that no ground is made out to cancel the anticipatory bail that has been allowed to

respondent No. 2 considering that the petitioner has not been able to point out any violation of the said bail order. In any case, any observations made by the Addl. Sessions Judge would have no bearing on the main case which is to be proved through the evidence led.

Consequently, the instant petition is dismissed.

February 11, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No