

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 9672 of 2020 (O&M)

Date of decision : 15.9.2020

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Ajay Kumar

.....Petitioner

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Mukesh Singla, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Complainant has not turned up. However, as per the office report, he has collected the demand draft in the sum of Rs. 2 lacs, so deposited by the petitioner in the Registry.

This petition for grant of pre-arrest bail has been filed by petitioner Ajay Kumar, aged about 34 years, son of Ramesh Chand, resident of Farakpur, Jagadhri Workshop, Yamuna Nagar, being an accused in FIR No. 303 dated 31.7.2018, for offences under Sections 420, 406, 506 IPC, read with Section 24 of Immigration Act, 1983

(added later on), registered at Police Station Farakpur, District Yamuna Nagar.

Briefly stated, facts of the case as per the prosecution story are that, the criminal machinery in this case was set into motion by complainant Sanjay son of Vikram Parshad, resident of House no. 44, Gulab Nagar Camp, Yamuna Nagar, Tehsil Jagadhri, who in the written complaint submitted by him, had levelled allegations of fraud against Vijay Kumar and Ajay Kumar (petitioner), sons of Ramesh Chander, as well as Mohit Kumar, contending that all of them had given him allurements of sending him abroad and had received a sum of Rs. 3 lacs from him besides his passport, but they did not honour the commitment.

After registration of the FIR, investigation in the case started. Apprehending his arrest, petitioner -Ajay Kumar had approached the Court of Sessions at Jagadhri, seeking pre-arrest bail. As such his application was assigned to Additional Sessions Judge, Yamuna Nagar at Jagadhri, who vide order dated 13.2.2020 dismissed the same. Now, he has knocked at the door of this Court, craving for grant of similar relief, notice of which was given to the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has since deposited a demand draft in the sum of Rs. 2 lacs in the Registry, which has since been received by the complainant.

He has already received a sum of Rs. 1 lac, furnishing affidavit in that regard, copy of which has been attached with the present petition. The petitioner has joined the investigation in terms of the interim bail granted to him by this Court and nothing is to be recovered from him. Therefore, the petition be accepted.

Learned State counsel, on instructions from SI Barinder Singh, has submitted that the petitioner has in fact joined the investigation and as such no recovery is to be effected from him. His custodial interrogation is not required by the local police. He has further contended that as per his instructions, the petitioner is not involved in any other criminal case.

Under the circumstances, the interim bail granted to the petitioner vide order dated 25.8.2020, is made absolute, subject to fulfillment of following conditions under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall appear before the Investigating Officer as and when required and as and when summoned by the I.O.;
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport then he shall file an affidavit in that regard.

In case the petitioner violates any term and condition on

which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition in that way is allowed.

15.9.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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