

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

201

CRM-M-9646-2020.

Date of Decision: 05.06.2020.

Balraj Sharma and another

....Petitioners.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sukesh K. Jindal, Advocate for the petitioners.

Mr. Sukhdeep Parmar, Deputy Advocate General, Haryana.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Present petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.324 dated 20.11.2019 under Section 406, 420 and 506 IPC, registered at Police Station Israna, District Panipat.

Counsel for the respondent-State has filed photostat copy of attested affidavit dated 14.05.2020 of Sandeep Singh, Deputy Superintendent of Police, Law and Order, Panipat, which is taken on record. He undertakes to file original attested copy of said affidavit after normal resumption of the functioning of the Court.

Counsel for the petitioners has submitted that their son Neeraj is the main accused in the FIR. He had allegedly promised to send the

complainant to Germany and get him a job of driver. After getting the Visa for Armenia, he demanded money from the complainant. According to the counsel, the sole allegation against the petitioner is that a sum of Rs.10 Lakhs was entrusted to them in the presence of four eye-witnesses. However, referring to the affidavit filed by the State, the counsel argues that the presence of the alleged eye-witnesses at the spot is doubtful. Counsel has made a reference to a public notice dated 16.02.2019 (Annexure P4) issued by petitioner No.1 whereby he had disowned his son. A further reference has been made by the counsel to FIR No.241 dated 14.03.2019 (Annexure P5) under Sections 498-A, 323, 504, 420 and 506 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, registered at Police Station Vijay Nagar, Gaziabad, by the wife of Neeraj in which she has alleged that her father-in-law (that is, petitioner No.1) has been defrauded by Neeraj of Rs.15 Lakhs. Counsel has further referred to para No.14 of the petition to submit that the petitioners had joined the investigation on different dates from December, 2019 to February, 2020 and have been cooperating with the investigating agency. Still further, he has referred to the affidavit filed by the State to submit that even in this affidavit, it has been deposed that petitioner No.1 had appeared before the Investigating Officer on 18.12.2019.

On the other hand, State counsel, on instructions from SI Darshan Singh has opposed the petition for grant of anticipatory bail though the factual position could not be disputed.

Keeping in view the fact that the entrustment of money to the petitioners is debatable, without commenting on the merits of the case, this petition is allowed. The petitioners shall join the investigation and would be

present as and when called for and in the event of arrest, the petitioners shall be admitted to bail on their furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case. If the petitioners do not join the investigation that it will be open to the State to file an application to recall the order.

(SUVIR SEHGAL)
JUDGE

05.06.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No