

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19267-2020
Date of Decision: 10.09.2020

Namit Malik

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Virk, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

* * *

VIVEK PURI, J. (ORAL)

On 17.07.2020 following order was passed:

“Briefly, the FIR bearing No. 1090 dated 18.11.2019 under Sections 379/408/420/467/468/471 of IPC, 1860, Police Station Chandni Bagh, District Panipat has been registered on the allegations that the petitioner was working as Junior Accountant with the firm of Pranshu Garg-complainant from 03.07.2019 to 19.09.2020 and thereafter he was removed from the job. On 06.11.2019, the complainant received a message on his mobile phone from State Bank of India with regard to the transfer of a sum of Rs. 45 lacs from the account of the firm to the account of petitioner through cheque bearing No. 980705 on 05.11.2019. The complainant contacted the bank and amount was transferred back to the account of the firm.

It has been pointed out by the learned counsel for the petitioner that as per the version in the FIR, the petitioner ceased to be in job of the complainant w.e.f. 19.09.2019 and it was not possible for him to lay hand on any cheque at subsequent stage. The transaction has been made with a malafide intention to falsely implicate the petitioner.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana, accepts notice on behalf of the respondent-State. Copy of the paper-book be supplied to her during the course of the day through email.

Adjourned to 10.09.2020.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply will other conditions as specified under Section 438(2) Cr.P.C.”

It has been conceded by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions from ASI Kanahiya Lal, has not disputed the factual position of the case and conceded that custodial interrogation of the petitioner is no more required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 17.07.2020 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

10.09.2020

Janki

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