

CRM-M-22165-2020 (O&M)
Date of Decision: 15.09.2020

Baljit Singh Dhillon

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. P.P. Chaudhary, Advocate for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.440 dated 28.05.2020 registered under Section 420 IPC (Section 406, 370 IPC and 24 of Immigration Act added later on), at Police Station Baldev Nagar, Ambala, Haryana.

On 10.08.2020, following order was passed :-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.440, dated 28.05.2020, having been registered at Police Station Baldev Nagar, District Ambala, alleging therein the commission of an offence punishable under Section 420 of the IPC, with Sections 406, 370 of the IPC and Section 24 of the Immigration Act, 1983 added in the FIR subsequently.

Learned counsel for the petitioner submits that the petitioner has not even been named in the FIR and therefore simply on a disclosure statement allegedly made by the person who has been so named, i.e. Kaka Singh, with no proof whatsoever of any money given to the petitioner, he has now been falsely implicated in the FIR as an accused.

Notice of motion be issued to the respondent-State, with Mr. Manish Bansal, learned DAG, Haryana, accepting notice at the asking of the court.

Adjourned to 02.09.2020.

Without making any comment on the merits of the case, in the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilalaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

The Superintendent of Police, Ambala, is directed to get an affidavit of a gazetted officer filed as regards the investigation carried out so far, and to also determine from the State of Punjab, especially the district from which the petitioner belongs, i.e. Tarn Taran, as to whether there are any other criminal cases registered against the petitioner or not.”

Thereafter vide order dated 02.09.2020, Gazetted Officer was directed to file an affidavit, giving a written list of questions put to the petitioner. Petitioner was also directed to file an affidavit. In compliance of the said order, an affidavit has been submitted by the Gazetted Officer.

At this stage, learned counsel for the petitioner submits that the matter has been settled with the complainant. Learned counsel appearing on behalf of the complainant has also endorsed the same and states that the complainant has no objection in case the order dated 10.08.2020 is made absolute.

Learned State counsel on instructions from SI Om Parkash states that the petitioner has joined the investigation and he is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 10.08.2020 is made absolute. However, petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

15.09.2020
Manpreet

Whether speaking/reasoned	Yes
Whether reportable	No