

Sr.No.102

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

**CRM-24434-2020 in/and
CRM-M-29546-2020
Date of decision:01.10.2020**

Vinod Kumar

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Manoj Kumar Pundir, Advocate
for the petitioner.

Jasgurpreet Singh Puri, J.(Oral)

CRM-24434-2020

Allowed as prayed for.

Annexure P-7 is taken on record.

CRM-M-29546-2020

Present petition has been filed under Section 438 Cr.P.C read with Section 482 Cr.P.C for the grant of anticipatory bail to the petitioner in FIR No.01, dated 01.01.2020 registered under Sections 406, 420 IPC at Police Station Mansa Devi Complex, District Panchkula.

Learned counsel for the petitioner has submitted that in the present FIR petitioner was falsely roped up. Even the FIR was totally vague. He has submitted that the allegations with regard to the petitioner pertains to alleged fraud committed by him against the complainant namely, Dharambir Singh and has taken money for the purpose of giving job to the niece of the complainant. He has further submitted that it is totally wrong that any such offence has been committed by the petitioner. Infact earlier the petitioner had filed a petition for anticipatory bail bearing CRM-M-2705 of 2020 before this Court which was dismissed. He has further submitted that compromise was effected between the complainant and the accused vide Annexure P-5 on 12.02.2020 and thereafter, even quashing petition was also filed on the basis of the said compromise in which notice has been issued by this Court. He has therefore, submitted that even if the present petition is a second anticipatory bail application, the same would maintainable because of the changed circumstances and fresh grounds which have been made out.

Shri Naveen Kr. Sheoran, DAG, Haryana on instructions of ASI Roshan has submitted that so far as the compromise made between the accused and the petitioner is concerned, the same is correct. He has further submitted that infact process has been initiated by the police department for cancellation of the present FIR and that the petitioner is no more required for

custodial interrogation. Therefore, the present petition has become redundant.

In view of the statement made by learned State counsel, learned counsel for the petitioner has submitted that even if the process of cancellation of FIR has initiated but there are some police officers who are still proceeding with the matter.

I have heard the learned counsel for the parties.

Once the statement has been given by the DAG, Haryana on instructions of police officer that the process of cancellation has already been started then the apprehension of the petitioner seems to be totally misconceived. Learned State counsel has categorically stated that process of cancellation of FIR has been initiated and he is not required for custodial interrogation. Therefore, present petition has become redundant.

In view of the above, present anticipatory bail is disposed of as having become redundant.

However, the grievance of the petitioner that some of the police officials are still wanting to take action against him may be a separate cause of action for which in case it is required or if so advised, the petitioner may move separate application in accordance with law.

1st October, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No