

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.42654 of 2019
Date of Decision: February 25, 2020

Vishal Patial

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.345 dated 18.09.2019, under Sections 420 read with Section 34 IPC, registered at Police Station, Pinjore, District Panchkula. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.10.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the allegation contained in the FIR pertains to misuse of the cheque book of the complainant by accused persons. It is further contended that a complaint under Section 138 of the Negotiable Instrument Act, 1881, filed by the petitioner against

the complainant is already pending for 20.11.2019, wherein the complainant is yet to put in appearance.

According to learned counsel, the custodial interrogation of the petitioner may not be required.

Notice of motion for 25.02.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-42447-2019.”

Learned counsel for the petitioner submits that in deference to the said order, the petitioner has joined the investigation. However, learned State counsel, on instructions from SI Mulakhraj, denies the fact of joining the investigation by the petitioner.

At this stage, learned counsel for the petitioner submits that there is no reason for the petitioner to avoid the joining of investigation considering the nature of allegations contained in the FIR, which are not worth believing. It is pointed out that as per the complainant, his cheque book was stolen and the accused individually misused the cheque(s), which were dishonoured and a complaint under Section 138 Negotiable Instruments Act was filed against the complainant by each of the accused. He submits that the cheque was issued by the complainant to return the amount, which was invested by the petitioner.

Considering the above facts of the case and the nature of the allegations levelled in the FIR, this Court does not find any reason to decline the prayer and, therefore, without meaning any expression of opinion on the merits of the case, the petition is allowed and the order dated

04.10.2019 is made absolute. It is ordered that the petitioner shall keep on joining the investigation as and when called for.

February 25, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No