

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

CRM-M No. 43749 of 2019

Date of decision : 22.01.2020

Shiv Kumar Gupta and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S.Rai, Sr. Advocate with
Ms. Amanpreet Kaur, Advocate
for the petitioners.

Mr. Arjun Singh Yadav, Asst.AG Haryana
for respondent-State.

Mr. Rohit Mittal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 260 dated 06.08.2019 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Chandimandir, District Panchkula.

Vide order dated 16.10.2019 passed by the Coordinate Bench of this Court, while issuing notice of motion, the petitioners were granted ad interim anticipatory bail with direction to join investigation. The above said order reads as under:

“Learned counsel for the petitioner submits that there was a memorandum of understanding between the parties under which complainant paid `40 lakhs, which were returned to him. As per case of prosecution, an application was moved before the Estate Office, HSIIDC, Panchkula seeking permission to mortgage the plot of complainant under his forged signatures. The mortgage never took place and the petitioner is ready to give his specimen signatures and co-operate with the investigation in the matter as the entire case is based on documentary evidence.

Notice of motion for 22.01.2020.

Mr. Rohit Mittal, Advocate has put in appearance on behalf of complainant, filed power of attorney and submits that application sent to Estate Office, HSIIDC, Panchkula was sent for verification to the Forensic Science Laboratory and the report was received that the signatures were forged and thereafter, this FIR was lodged.

To have version of Investigating Officer in the matter, petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.”

Learned State Counsel and learned Counsel for the complainant have opposed the anticipatory bail petition. However, learned State counsel has, on instructions from ASI Jitender Singh, acknowledged that in compliance with order dated 16.10.2019, the petitioners joined investigation and also conceded that their custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the concession of anticipatory bail.

Accordingly, the petition is allowed and order dated 16.10.2019 granting ad interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

22.01.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No