

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47658-2019

Date of Decision: 20.02.2020

Sheela and another

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kulwinder Singh, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Parveen Chauhan, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.336 dated 18.09.2019 under Sections 406, 420, 120-B and 506 IPC, registered at Police Station Madhuban, District Karnal. They apprehended their arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 14.11.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners has placed reliance upon order dated 23.10.2019 passed by this Court in CRM-M-45195-2019, whereby concession of pre-arrest has already been granted to co-accused.

Adjourned to 20.02.2020.

Meanwhile, the petitioners shall join the investigation

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

To be heard along with CRM-M-45195-2019.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel assisted by ASI Sandeep Kumar and counsel for the complainant has opposed the prayer on the ground that the amount in question is to be recovered from accused Sheela. However, it is not disputed that the petitioners have joined the investigation as directed by this Court. He submits that the complainant and other victims and accused Nos.2 to 4, namely, Ramesh, Harmeet and Amninder are employees of the Haryana Police Department and are living in the same colony.

During the course of hearing, it is not disputed that no receipt of any kind was issued by any of the accused to any of the victims and the alleged amount was paid much before the registration of the FIR.

At this stage, learned counsel for the petitioners submits that the sole ground raised by the learned State counsel as well as learned counsel for the complainant would not be enough to deny the concession as prayed for, as the dispute is purely of civil nature. He submits that some of the co-accused are already on regular bail.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.11.2019 is made absolute.

20.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No