

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53707-2019

Date of Decision: 21.01.2020

Anil Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.420 dated 29.10.2019 under Section 174-A IPC, 1860, registered at Police Station City Hisar, District Hisar. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 24.12.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The present petition has been filed by the petitioner-Anil Kumar inter alia praying for anticipatory bail to the petitioner in case FIR No.420 dated 29.10.2019, u/s 174-A of IPC, registered at Police Station City Hisar, District Hisar.

Notice of motion was issued on 16.12.2019.

Learned State Counsel submits that an amount of Rs.1,16,000/- was taken by the petitioner as loan

from the Sarav Gramin Bank. He submits that on the said amount, some interest was also payable. A cheque of Rs.1,48,000/- was presented, but the same was dishonoured.

On the other hand, learned counsel for the petitioner submits that firstly, the said loan was taken for applying flats for weaker section under Haryana Housing Board Scheme. Secondly, he submits that the said loan amount was directly transferred to the Haryana Housing Board by the Gramin Bank. Thirdly, he submits that fact of allotment was never brought to the notice of the petitioner by any of the authority. He forthly submits that cheque which was dishonoured, was actually a cheque, which was initially taken from him at the time, when the application for loan was submitted. He goes on to submit that the said cheque was in fact a security.

Learned counsel for the petitioner has fairly submitted that he would deposit an FDR of Rs.1,50,000/- before the Additional Civil Judge, Senior Division, Hisar. In the recovery suit pending between the parties, date is fixed for 06.01.2020.

In view of the above, this Court deems it appropriate that the petitioner-Anil Kumar shall be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation within 15 days from today and cooperate with the Investigating Agency, as and when required.

Adjourned to 21.01.2020.”

deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Shishpal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Shishpal further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 24.12.2019 is made absolute.

21.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No