

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-158-2021 (O&M)
Date of decision: 11.11.2021

Ataulla Khan

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.04 dated 13.01.2020 under Section 420 IPC and Section 66D of I.T. Act, registered at Police Station Cyber Crime, Gurugram, District Gurugram.

While granting interim bail to the petitioner, following order was passed by this Court on 09.02.2021: -

“...Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner did not commit any fraud. The amount was wrongly credited to his account. The petitioner is ready to pay the amount credited to his account to the complainant with interest. Co-accused Faisul Khan was not arrested by the police in view of the

*law laid down by Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar : 2014(3) RCR (Criminal) 527**. The petitioner is ready to join the investigation.*

Status report by way of affidavit of Karan Goel, HPS, Assistant Commissioner of Police, DLF, Gurugram on behalf of respondent-State has been filed in the Registry which is taken on record. However, learned State Counsel seeks time for addressing arguments.

Adjourned to 26.03.2021.

In view of the facts and circumstances of the case, I consider presence of the complainant to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be impleaded as respondent No.2. Memo of parties be amended accordingly.

Notice to newly added respondent No.2/complainant be issued for the date fixed and be also given dasti, if so desired.

The petitioner is directed to bring a bank draft for amount of Rs.1 lakh in the name of respondent No.2/complainant-Ashok Kumar payable at Gurugram to be handed over to respondent No.2/complainant on the date fixed...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation. It is further submitted that the petitioner has also handed over the demand draft of Rs.1.00 lac drawn in favour of the complainant.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 09.02.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

11.11.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No