

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-2953 of 2020

Date of Decision : 27.10.2021

Prince @ Shera and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunil Saharan, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Aditya Sanghi, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 0003 dated 03.01.2020 registered under Sections 120-B, 379, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Urban Estate Hisar, District Hisar.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by a co-ordinate Bench of this Court dated 23.01.2020. Order dated 23.01.2020 is as under:-

“The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.0003 dated 03.01.2020 registered under Sections 120-B, 379, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station Urban Estate Hisar, District Hisar.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case on the complaint of their brother-Manoj Kumar. Litigation is going

on between the petitioners and complainant and their father regarding family properties. Eviction petition was also filed against the petitioners by their father which is pending. Earlier false FIR regarding theft of movables was also lodged against the petitioners. Present FIR is a counter-blast to the complaints under Section 138 of the Negotiable Instruments Act, 1881 filed against the complainant for creating his defence. The petitioners are ready to join the investigation and their custodial interrogation is not required for effecting any recovery.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State.

At this state, Mr. Aditya Sanghi, Advocate has put in appearance on behalf of the complainant and filed his power of attorney which is taken on record.

Copies of the paper book have been supplied to the learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the complainant has opposed the petition and submitted that the petitioners by forging their signatures got cheque book issued from the concerned Bank and misused two cheques by issuing the same in favour of Ved Parkash and Arun Lata respectively. The complainant got his signatures on the disputed cheque compared by Fingerprint and Hand Writing Expert who submitted report that signatures on both the cheques did not tally with standard signatures of the complainant. Custodial interrogation of the petitioners is necessary for recovery of the cheque book and the petitioners do not deserve grant of anticipatory bail.

Learned State Counsel seeks time to complete his instructions and file reply/status report regarding investigation.

Adjourned to 30.03.2020.

In the meanwhile, the petitioners are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them.”

Learned State counsel, who is present in Court, on instructions from SI Sahab Ram states that in terms of the order of the co-ordinate Bench of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

In view of the above, the order dated 23.01.2020 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

Petition stands disposed of.

October 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No