

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

205

CRM-M-13167-2021

Date of Decision:05.04.2021

Mukut Bihari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Kunal Muthreja, Advocate
for the petitioner.

Mr.Surender Singh, AAG Haryana

Mr.Rajesh Lamba, Advocate
for the complainant.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR No.0026, dated 11.01.2018, having been registered at Police Station Mujesar, District Faridabad, alleging therein the commission of offences punishable under Sections 120-B, 406 and 420 of the IPC, with Sections 201, 419, 467, 468 and 471 of the IPC added later on.

On 19.03.2021, the following order had been passed by this Court:

“Case heard via video conferencing.

*By this petition, the petitioner seeks the concession of
'anticipatory bail' under the provisions of Section 438 of the
Cr.P.C., upon FIR no.0026, dated 11.01.2018, having been*

registered at Police Station Mujesar, District Faridabad, alleging therein the commission of offences punishable under Sections 120-B, 406 and 420 of the IPC, with Sections 201, 419, 467, 468 and 471 of the IPC added later.

Learned counsel for the petitioner points to the order passed in the case of his co-accused, i.e. Gaurav Kumar Chauhan, by the learned Addl. Sessions Judge, Faridabad, on 23.04.2020 (almost 11 months back), to the effect that the matter had been compromised between him and the complainant, with him having paid Rs.8,00,000/- by way of two demand drafts and having further promised to pay Rs.10,55,000/- in four installments.

Other than that, he submits that the only allegation against the petitioner is that he accompanied Gaurav Kumar Chauhan to the bank for identifying him as a different person, with the petitioner not being a beneficiary of the aforesaid amount (approximately Rs.18,00,000/-).

Whereas, in my opinion, that would not be ground enough for admitting the petitioner to anticipatory bail at all, however, to simply determine at this stage whether even the aforesaid Gaurav Kumar Chauhan honoured his commitment on the basis of which he was admitted to anticipatory bail or not, the petitioner is directed to join investigation within one week from today and upon him so joining if he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 05.04.2021.

A gazetted officer is directed to file a reply to the petition.

The complainant in the FIR, i.e. Rajan Sharma son of Shri Sukhbir Sharma, resident of House no.422, Sector-09, Faridabad (as

taken from the FIR), is ordered to be impleaded as respondent no.2 in the petition, with the Registry directed to carry out the necessary correction in the memo of parties.

Notice be issued to the said respondent, returnable on 05.04.2021.

Dasti also.

Today, an affidavit of Shri Dalbir Singh, HPS, Assistant Commissioner of Police, Mujesar, Faridabad, on behalf of respondent No.1, has been filed in the Court by learned State counsel, stating therein that the role of the petitioner was of identifying Gaurav Kumar Chauhan, in opening a fake bank account; but the petitioner has joined the investigation and the report under Section 173 Cr.P.C.has already been submitted against Gaurav Kumar Chauhan.

Mr.Lamba, learned counsel appearing on behalf of the complainant, has also submitted that the entire amount of Rs.18 lakhs has been received by the complainant from the aforesaid Gaurav Kumar Chauhan, as was required to be paid by him.

In view of above, the petition is allowed and the order dated 19.03.2021 is made absolute.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

April 05, 2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

**(AMOL RATTAN SINGH)
JUDGE**