

101+208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video-conferencing)

CRM-M No.17111 of 2021 (O&M)

Date of Decision: 13.10.2021

VIKRAM SINGH ALIAS BARDU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.S. Sullar, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.46 dated 18.02.2021 registered under Sections 386, 392, 506, 34 IPC and Section 25 of the Arms Act at Police Station Ateli, District Mahendergarh.

On 23.04.2021, following order was passed by this Court:-

"The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that the allegations are of actively participating in the commission of offence. Custodial interrogation was sought

on the ground that cheque of Rs.4.00 Lakhs was to be recovered from him and identification of the spot was also to be done by him. Learned counsel for the petitioner by referring to statement of complainant Sandeep Kumar submits that co-accused Yoginder has already paid an amount of Rs.16.00 Lakhs in lieu of property in question before the court to the complainant and the complainant after receiving the same made the statement before the Judicial Magistrate Ist Class on 12.03.2021. In a subsequent statement dated 05.04.2021 made before the Judicial Magistrate Ist Class, the complainant Sandeep Kumar has also stated that Surender @ Chiku and Vikas were not involved in the case. He did not know Virinder Lamba, Vikram Ballu (petitioner as somewhere he has been described by alias name of Bardu), Yoginder, Dharaminder @ master and two other persons. Surender @ Chiku and Vikas had no concern with the present case. He further submitted that he has no objection in case the bail is granted to them.

In view of the stand taken by the complainant himself before the Judicial Magistrate Ist Class, notice of motion for 22.07.2021.

In the meanwhile, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 30.04.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, on his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 22.07.2021.

It is made clear that grant of interim order shall not

be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.”

Thereafter vide order dated 22.07.2021, petitioner was again directed to join investigation. Custodial interrogation was sought by the prosecution on the ground that the cheque of Rs.4 lakhs was to be recovered from the petitioner and identification of the spot was also to be done by him. Indulgence was granted by this Court after noticing the fact that statement of the complainant was recorded to the effect that co-accused Yoginder had already paid an amount of Rs.16 lakhs in lieu of property in question before the Court and the complainant after receiving the same made the statement before the Judicial Magistrate Ist Class on 12.03.2021. In a subsequent statement made before the Court on 05.04.2021, the complainant had also stated that Surender @ Chiku and Vikas were not involved in the case. Complainant did not know Virinder Lamba, Vikram Ballu (petitioner), Yoginder, Dharaminder @ master and two other persons. He pleaded no objection for grant of bail to them. Taking note of the aforesaid facts, interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of the orders dated 23.04.2021 and 22.07.2021, the petitioner has joined the investigation to the entire satisfaction of

the Investigating Officer.

Learned State counsel on instructions from ASI Jitender Singh admits the aforesaid fact and submits that the petitioner is no more required for further investigation of the case.

In view of aforesaid factual position, the interim orders dated 23.04.2021 and 22.07.2021 are made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

October 13, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No