

Lalit Mohan Sharma.

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGANPresent: Mr. Keshav Pratap singh, Advocate
for the petitioner.

Mr. Amrik Narwal DAG, Hayana.

AVNEESH JHINGAN, JUDGE (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 of the Code of Criminal Procedure is filed seeking anticipatory bail in FIR No.92 dated 26.03.2021 under Sections 409 and 120-B of IPC, 1860 and Section 13 of Prevention of Corruption Act, 1988, registered at Police Station Sadar Ballabgarh, District Faridabad.

On 12th May 2021 following order was passed:

“Inter alia submits that a civil dispute regarding payment of amounts due for the works done has been given the colour of a criminal offence. The petitioner is alleged to have got issued two cheques totalling ₹54 lacs in connivance with his sister who was the then BDPO, but the said cheques have been dishonoured. The petitioner is entitled to be paid the said amount and his claim is supported by the measurement book and other documents on record. This can be confirmed during investigation. No recovery is to be effected from the petitioner and thus, his custodial interrogation is not necessary.

Notice of motion.

Mr. Narender Singh Behgal, AAG, Haryana, accepts notice and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 20.05.2021 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C. Adjourned to 31.08.2021”.

On 10th September 2021, State counsel on instructions submitted that more invoices are required and some of the invoices produced are not matching. The petitioner was directed to again join the investigation within a week and thereafter as and when called for.

Status report dated 01.10.2021 by way of an affidavit of Mr. Surender Sheoran, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad has been filed, the same is taken on record.

Learned State counsel on instructions from Mr. Surender Sheoran, HPS, Assistant Commissioner of Police submits that the petitioner has joined the investigation but he is real brother of BDPO, on this ground his custodial interrogation is required.

The factum of the petitioner being related to government official cannot be a ground in itself for seeking custodial interrogation.

The interim bail granted on 12.05.2021 is made absolute.

Disposed of accordingly.

5th October 2021

Manju

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No