

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

201

CRM-M-15432-2019

Date of Decision : November 16, 2021

KARAMBIR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Amaninder Preet, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Mr. Dinesh Arora, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.136 dated 14.3.2019 under Sections 406, 420 IPC registered at Police Station, Samalkha, District Panipat.

It has been submitted by the learned counsel for the petitioner that the subject matter of the present case pertains to a dispute of Rs.15 lacs which according to the complainant were given to the petitioner and two other co-accused for some property dealing but the same have not been returned nor the property deal has been matured. He submitted that when the present case came up for hearing before this Court on 4.4.2019, the petitioner had submitted that he will pay an amount of Rs.7.5 lacs within two weeks and interim bail was granted by this Court to the petitioner. Thereafter the said amount has since been paid to the complainant as per order dated 11.7.2019 and in this way Rs.7.5 lacs has already been paid to the complainant by way of demand draft. He further submitted that in the present FIR a civil dispute, if any,

has been given a criminal flavour and in pursuance of the order passed by this Court on 4.4.2019, the petitioner has already joined the investigation and he is cooperating with the investigation process and, therefore, he may be granted anticipatory bail.

On the other hand, the learned State counsel on instructions from ASI Dharamvir Singh has stated that in pursuance to the order passed by this Court on 4.4.2019, the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation.

Mr. Dinesh Arora, Advocate for the complainant has submitted that the remaining amount of Rs.7.5 lacs is yet to be recovered from the petitioner and, therefore, has opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsels for the parties.

The learned State counsel has taken a specific stand that in pursuance to the order passed by this Court on 4.4.2019, the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation. Apart from the same out of the disputed amount of Rs.15 lacs, an amount of Rs.7.5 lacs has admittedly been paid to the complainant and, therefore, non-payment of Rs.7.5 lacs cannot become a ground for denial of anticipatory bail.

In view of the aforesaid factual position, the present petition is allowed and order dated 4.4.2019 is, hereby, made absolute.

(JASGURPREET SINGH PURI)
JUDGE

November 16, 2021

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No