

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

CRM-M-26085 of 2021

Date of Decision: 09.07.2021

Yunus

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepak Goyal, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 22 dated 12.11.2019, under Sections 409, 506 read with Section 34 IPC (later on Sections 420, 467, 468, 471 and 120-B IPC deleted by the police), registered at Police Station Uttawar, District Palwal.

The facts in brief are that on receiving the complaint from the department of CID that Sarpanch of the village Uttawar had purchased two water coolers for an amount of Rs.1,45,000/- each from non-existent entity i.e. M/s Sunrise Associate Company, Karnal. On enquiry, no concern was found on given address and the bills were forged. The water coolers were not found in the school premises. It was stated by the Head Teacher of the school that they never received any water coolers and the accused forcibly took their signatures on a receiving receipt. The FIR was registered. It also came to the notice that the accused had purchased the water coolers for the school but used them at other place.

Learned counsel for the petitioner submits that the petitioner

never purchased the coolers in the name of the school. He has been falsely implicated by alleging that he got the signatures of the Headmaster of the school regarding receipt of the coolers. It is further contended that Sections 420, 467, 468, 471 and 120-B IPC have been deleted during investigation. Submission is that no recovery is to be made, the coolers were installed prior to registration of the FIR. He further relies upon the order dated 23.6.2021 passed in CRM-M-22124 of 2021—Kayyum @ Mohd. Gayam Khan v. State of Haryana, whereby the co-accused was granted anticipatory bail.

Learned counsel for the State appearing on advance notice opposes the grant of pre-arrest bail. She submits that the petitioner was the main accused. She further submits that the coolers were installed in his own school rather than in the government school.

No recovery is to be made from the petitioner; Sections 420, 467, 468, 471 and 120-B IPC stand deleted during investigation; the case is primarily based on the documentary evidence and the co-accused has been granted anticipatory bail, the petitioner is granted anticipatory bail subject to his joining investigation within ten days. In the event of arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

9th July, 2021
mk

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes