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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27200-2021

Date of Decision: 28.07.2021

Sunil Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sumit Bajaj, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.49 dated 19.02.2021 under Sections 408 and 420 Indian Penal Code, 1860 registered at Police Station Sector-14, Panchkula. The petitioner apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 16.07.2021, whereby notice of motion was issued to respondent-State. The said order reads as under:-

“Learned counsel contends that co-accused, namely, Shrey Gupta was an employee of complainant-Ujjawal Goyal and certain bank transactions in favour of Shrey Gupta gave rise to a dispute between them. According to him, Shrey Gupta also initiated litigation against the complainant on the ground that his account was misused by his employer in order to evade taxes. Learned counsel has pointed out that the account of the petitioner was also misused by either of the two and approximately a sum of ₹1,33,000/- was transferred in the account of the petitioner, who after withdrawing the same, handed over to the said accused. He submits that the case of the prosecution is based upon documentary material, therefore, the custodial interrogation of the petitioner is not necessary.

Notice of motion for 28.07.2021.”

Today, learned State counsel assisted by ASI Rajesh has opposed the prayer on the ground that the account of the petitioner was used in the alleged commission of crime and a sum of ₹1,33,000/- was deposited in the said account.

At this stage, learned counsel for the petitioner submits that the entire material relied upon the prosecution is documentary in nature and, therefore, the custodial interrogation of the petitioner may not be necessary, as he is willing to join the investigation.

After hearing the learned counsel for the parties and considering the above background as well as the alleged participation of the petitioner in the alleged commission of offence, this Court is of the opinion that at this stage, the custodial interrogation of the petitioner does not seem to be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C.

The petition is allowed.

28.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No