

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.24192 of 2020
Date of Decision: February 08, 2021

Rajan Kumar Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aayush Arora, Advocate,
for the petitioner.

Mr. Sukhdeep S. Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.149 dated 28.07.2020, under Sections 406, 420, 506 and 120-B IPC, 1860, registered at Police Station, Fatehgarh Sahib, District Fatehgarh Sahib. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Crl.Misc.No.21161 of 2020

This application has been filed for placing on record

Annexure P-5 i.e. affidavit of Bharat Bhushan son of Jai Dial. The application is allowed. Affidavit Annexure P-5 is taken on record.

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Learned counsel for the petitioner inter alia submits that the affidavit Annexure P-5 makes it clear that said Bharat Bhushan owes money to the complainant and that the petitioner has been falsely implicated. Corroboration is provided by the call transcript reproduced in para 6 of the petition.

Notice of motion for 23.11.2020.

Mr. A.P.S. Gill, DAG, Punjab, accepts notice and waives service. Mr. S.P. Soi, Advocate, puts in appearance on behalf of the complainant and seeks time to file his reply. He argues that on the date money was transferred to the bank account of the petitioner, he was not married with Pooja Arora (sister of Bharat Bhushan) and, thus, it is incorrect to allege that there was any relationship between the petitioner and said Bharat Bhushan. Marriage of the sister of Bharat Bhushan took place in the last week of March, 2019. Role of Bharat Bhushan has been set up to escape criminal liability by the petitioner. A separate transaction had taken place with Bharat Bhushan for providing a house in respect of which a complaint dated 01.11.2019 was submitted before the police.

The fact that the marriage took place in March, 2019 strikes at the route of the argument of counsel for the complainant because in the FIR, Pooja Arora has been stated to be the wife of the petitioner on the date money was transferred to his account. Thus, false implication cannot be ruled out.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 09.09.2020 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.

It is made clear that all the evidence available with the petitioner shall be shared with the police including his recording referred to in paragraph 6 of the petition. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Harminder Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.08.2020 is made absolute.

February 08, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No