

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30390-2021 (O&M)
Date of decision: 14.12.2021

Vishawnath Sharma

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Nitin Thatai, Advocate
for respondent No.2-complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.187 dated 17.04.2019 under Sections 420, 406, 465, 467, 468, 469, 471, 500 and 120-B IPC, registered at Police Station City Mahendergarh, District Mahendergarh

While granting interim bail to the petitioner, following order was passed by this Court on 02.08.2021: -

“...Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Raman

Kumar Sharma son of the petitioner died on 25.06.2012. Payment of amount of Rs.1,50,027.68/- was made by the insurance company to the petitioner. The petitioner did not make any fraudulent representation to the complainant and did not dishonestly induce the complainant to pay the amount to the petitioner. Whatever representation was made to the complainant and whatever amount was deposited with it after death of Raman Kumar Sharma that was made/deposited by Dharmender in conspiracy with Rakesh Kumar and his wife Paramjit Kaur who subsequently instigated the complainant to lodge the present FIR after about seven years to pressurize the petitioner to withdraw the complaint filed by him before Judicial Magistrate, Ludhiana against them. The petitioner is ready to join investigation and is also ready to pay the amount received by him to the complainant by way of bank draft. The petitioner will hand over the same to the investigating officer of the case at the time of joining investigation/furnishing of bail bonds for his release on interim anticipatory bail in the eventuality of arrest. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Sumit Jain, Addl. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 17.08.2021.

In view of the facts and circumstances of the case, I consider presence of the complainant to be necessary for just and proper decision of the petition. Therefore, the complainant is ordered to be and accordingly impleaded as respondent No.2. The Registry is directed to make requisite amendments in the memo of parties.

Notice to newly added respondent No.2 be issued for the date fixed and be also given dasti if so desired...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation. It is further submitted that the petitioner has already handed over the Demand Draft amounting to Rs.1,50,027.68 to the Investigating Officer.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Learned counsel for respondent No.2-complainant submits that the aforesaid amount has been received by the complainant.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 02.08.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

14.12.2021
vishnu

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