

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-32771-2021

Date of Decision : November 08, 2021

Modaram Danaji Dewasi and another

.. Petitioners

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Preetinder Singh Ahluwalia, Advocate, for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Gourave Bhaiyya Gilhotra, Advocate, with
Mr. Devender Sangwan, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 416 dated 21.02.2020 registered under Sections 420, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 13.08.2021. Order dated 13.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.416 dated 21.02.2020 registered under Sections 420, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala.

Learned counsel for the petitioners argues that in the present case, the allegations alleged against the petitioners are on the basis of certain documents to the effect that for the

same transaction, two sets of documents were being prepared which will amount to forgery. Learned counsel for the petitioners submits that the allegations are based upon the documents only, which is clear from the allegation alleged in the FIR that the complainant on an occasion found that two different bills for same transaction were prepared giving different description of the amount charged on the basis of which complainant alleged cheating/forgery.

Learned counsel for the petitioner further submits that for the investigation, the custodial interrogation of the petitioners is not necessary as the allegations are based upon the documents and the petitioners are ready to co-operate in the investigation and will prove before the investigating agency that no wrong doing has been done by the petitioners. Learned counsel for the petitioners further submits that the documents, if any, demanded by the police relevant to the allegations alleged in the present FIR supposed to be available with the petitioners, will be supplied so as to cooperate during the investigation.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Gourave Bhaiyya Gilhotra, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned counsel for the respondent-State submits that in case, the petitioners cooperate during the investigation and submits the documents required for completing the investigation to unearth the truth, the State will not press for the custodial interrogation at this stage.

Learned counsel for the complainant submits that the petitioners are not likely to cooperate during the investigation as they will not produce the forged documents which will

prove their guilt and therefore, the prayer of the petitioners for the grant of anticipatory bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

One fact is clear that the allegations alleged in the FIR are based upon certain documents.

Learned counsel for the petitioners has undertaken before this Court that in case, the benefit of anticipatory bail is granted to the petitioners, they will join the investigation and cooperate with the same.

Further, learned counsel for the petitioners has also undertaken before this Court that the documents if demanded by the police during the investigation are within their knowledge or are supposed to be in their possession, the same will be handed over to the police without any delay.

As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 08.11.2021.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners or they do not cooperate in the investigation as undertaken, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who is present in the Court, on instructions from ASI Navtej Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 13.08.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 08, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No