

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-35946-2021

Date of Decision: 11th November, 2021

Ashok Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Gautam Killey, Advocate for
Mr. Gopal Sharma, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana

Mr. K.D. Sehra, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 438 Cr.P.C. is filed seeking pre-arrest bail in FIR No. 240, dated 30.07.2021, under Sections 170 read with 34, 384, 419 and 420 IPC, registered at Police Station Gannaur, District Sonapat.

2. The interim bail was granted on 02.09.2021, the order is reproduced:-

“Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and, therefore, the present petition for grant of anticipatory bail has been filed. He has submitted that in the case, the petitioner alongwith another partner namely Amit Kumar Tyagi was having a commercial dealing with the complainant for supply of various food articles. Thereafter, dispute had arisen between them and even the petitioner Company had filed a complaint under Section 138 of the Negotiable Instruments Act against the sons of the complainant, which is still pending. Learned counsel for the petitioner has further submitted that earlier also, on similar set of allegations, a complaint was filed, which was inquired into by the DSP, Gannaur, District Sonipat and after

recording the statements of the parties, it was found that the allegations were not proved and now without disclosing the earlier complaint and the inquiry held, the complainant got the present FIR registered on the same set of allegations. It is further submitted that the other partner namely Amit Kumar Tyagi against whom the allegations have been levelled by the police that he had impersonated himself as an Inspector of Police and duped the complainant of Rs.9,00,000/- on the pretext of getting the matter compromised had also filed a CRM-M-35749-2021 for grant of anticipatory bail before this Court in the same FIR and the said petition has been allowed by Coordinate Bench of this Court vide order dated 01.09.2021.

Notice of motion.

Mr. Naveen Singh Panwar, DAG, Haryana accepts notice on behalf of the respondent/State. Since the present petition has been listed before this Court in supplementary list, learned State counsel does not have the brief of this case, therefore, he prays for sometime to argue the matter.

On his request, adjourned to 11.11.2021.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.”

3. Though complainant has not been impleaded as party Mr. K.D. Sehra, Advocate puts in appearance on behalf of the complainant and opposes the confirmation of interim bail.

4. Learned State Counsel, on instructions from ASI Tej Parkash submits that the petitioner has joined the investigation. Contention is that

5. The amount which as per the allegations has prima facie color of a commercial transaction can be recovered during investigation in itself is a debateable issue. Since there is no other reason forthcoming requiring the custodial interrogation of the petitioner, the interim order dated 2nd September, 2021 is made absolute.
6. Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

11th November, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>