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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-35749-2021
Date of Decision: 01.09.2021**

Amit Kumar Tyagi

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Ms. Dimple Jain, Assistant Advocate General, Haryana.

Mr. Ram Pal Verma, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 438 Cr.P.C. is filed seeking pre-arrest bail in F.I.R. No. 240, dated 30th July, 2021, under Sections 170, 384, 419, 420 read with Section 34 IPC, registered at Police Station Gannaur, District Sonapat.

[3] The F.I.R. was at the instance of Ramesh Chand. There was dispute regarding payment between M/s Ideal Flavors Food Private Limited ('company') and sons of the complainant. The allegations are that petitioner impersonated himself as Inspector, Economic Offences Wing, Delhi and duped the complainant of Rs.9,00,000/- on the pretext

of getting the matter compromised.

[4] Mr. Gopal Sharma, learned counsel for the petitioner submitted that petitioner is associated with the company which had instituted complaints under Section 138 of the Negotiable Instruments Act, 1881 [hereinafter 'the Act'] against sons of the complainant. Summoning orders in the complaints were issued on 28th January, 2021 and 8th February, 2021. The complainant moved a complaint with C.M. Window on 17th February, 2021 making similar allegations as are in the present F.I.R. The matter was inquired into by the D.S.P., Gannaur, District Sonapat. Statements of affected parties were recorded and allegations as per report dated 17th March, 2021, were not found to be true. The contention is that without disclosing the earlier complaint and inquiry held, complainant got the present F.I.R. registered on the same allegations.

[5] Ms. Dimple Jain, Assistant Advocate General, Haryana opposes the prayer for grant of anticipatory bail and submits that allegations are serious. The petitioner had impersonated himself as police official.

[6] Though the complainant is not impleaded as a party, Mr. Ram Pal Verma, Advocate puts in appearance for the complainant. He submits that payments were made through banking channels. On pointed query, he is not able to substantiate any specific amount credited in the account of Amit Kumar Tyagi (petitioner).

[7] Considering the factual background especially that in

earlier inquiry no truth was found in similar allegations of the complainant, prima facie, it is not a case where custodial interrogation is required. The only ground pressed for custodial interrogation is that money is to be recovered from the petitioner. The petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

[8] The petition is allowed.

[9] In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

[AVNEESH JHINGAN]
JUDGE

1st September, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No