

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.36203 of 2020 (O&M)
Decided on: 12.07.2021

Jatin Goyal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.193 dated 06.07.2020, registered under Sections 420, 406, 506 IPC at Police Station Uklana, District Hisar.

The operative part of the order dated 05.11.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner by making reference to the pleadings in the petition submits that the complainant Parmod Garg had moved an application/complaint to the police against Murli s/o Mohan Lal proprietor of Murli Trading Company, Bikaner, Rajasthan. He submits that the petitioner is not named in the FIR. Reference has been made to document Annexure P2 to submit that in fact even the petitioner has sold 20 tonnes of cattle feed to main accused Murli.

Learned State counsel, on instructions from ASI

CASE HEARD THROUGH VIDEO CONFERENCING

Rajesh Kumar submits that as is evident from para 5 of the order dated 22.10.2020 passed by Additional Sessions Judge, Hisar, 695 bags of cattle feed had been taken by accused Murli, Leeladhar, Subhash and the petitioner. The order further reads that as per the prosecution, petitioner Jatin had received 200 bags. He further submits that the approximate value of 695 bags would be more than Rs.6 lakhs and therefore proportionately, the petitioner who had received approximately 200 bags worth Rs.2.5 lakhs is allegedly party in the whole transaction.

Learned counsel further submits that he has instructions from his client and his family members that in order to show his bona fide, the petitioner will not involve himself in any other case like the present. He is ready to give and undertaking that in case he is found involved and held guilty in any subsequent case after the present, the bank guarantee/property papers (that he shall deposit with Investigating Officer who, in turn, shall deposit the same with the trial Court when the trial begins) worth approximately Rs.2.5 lakhs which shall remain as security, shall stand forfeited and the same shall be deposited in the Government Treasury.

Counsel for the petitioner submits that the petitioner is ready to join the investigation and due to COVID situation, his retention behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 18.03.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 05.11.2020, the petitioner has appeared before the

CASE HEARD THROUGH VIDEO CONFERENCING

Investigating Officer and has joined the investigation. It is further submitted that the petitioner has handed over the FDR of Rs.2.50 lacs to the Investigating Officer.

Counsel for the State, on instructions from the Investigating Officer and on the basis of the affidavit of the Deputy Superintendent of Police, Barwala, submits that the FDR will be submitted before the trial Court along with the report under Section 173 Cr.P.C., however, some amount is yet to be recovered.

Be whatsoever, it is not the job of the Investigating Officer to oppose the prayer for bail on the ground that he is to recover some amount. Accordingly, this petition is allowed and the interim bail granted to the petitioner vide order dated 05.11.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

12.07.2021
yakub

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