

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

1

CRM-M-45047-2019

Kashmiri Lal Katyal

....Petitioner

Versus

State of Haryana and another

.....Respondents

2

CRM-M-45054-2019

Darpan Katyal

....Petitioner

Versus

State of Haryana and another

.....Respondents

Date of Decision: - 25.10.2021

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manish Jain, Advocate, for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Anand Bhardwaj, Advocate
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)

This common order is being passed in above-mentioned two petitions, arising out of the same incident, seeking the grant of anticipatory bail in respect of FIR No.447 dated 24.09.2019, registered under Sections 406 and 506 IPC at Police Station Bilaspur, District Gurugram.

Learned counsel for the petitioners contends that the

petitioners have joined investigation in terms of order passed by a Co-ordinate Bench of this Court on 19.10.2019 in the above stated petitions.

Order dated 19.10.2019 is as under:

“CRM-M-45047 of 2019

Kashmiri Lal Latyal v. State of Haryana

CRM-M-45054 of 2019

Darpan Katyal v. State of Haryana

Present: Mr. Manish Jain, Advocate, with
Mr. Mayur Kanwar, Advocate,
for the petitioner (s).

Mr. Jain, learned counsel for the petitioners in these two petitions, submits that the petitioners are running an architecture firm of repute in Delhi, and though there is undoubtedly an issue of payment of money, whether it is the petitioners who owe money to the complainant, or whether it is they who are owed money by the complainant on account of substandard work having been done, not to the satisfaction of principal, that is a matter of civil dispute if any, and as regards the allegations made in the FIR that the petitioners threatened the complainant, that has only been made to make out a criminal case against the petitioners.

He further submits that as a matter of fact the police is obviously hand in glove with the complainant, which can be seen from the fact that the police came to the office of the petitioners on October 04, 2019 in a private car, which as per the petitioners belongs to the complainants' wife. A photograph of police officials getting out of that car also has also been annexed as Annexure P-10 with the petition, with the other photograph being one showing two police officials sitting in what is stated to be the petitioners' office.

He further submits that the petitioners have also verified from the transport department that the car belongs to the wife of the complainant.

Notice of motion, returnable on 22.11.2019.

In the meanwhile, upon the petitioners joining investigation, in case they are sought to be arrested, they would be released on bail, on their furnishing adequate bail and surety bonds to the satisfaction of the

arresting officer/Ilaqa Magistrate. They shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioners in investigation, they would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join them in investigation.

Learned counsel for the petitioners would place on record the information obtained from the office of the District Transport Officer.

A photocopy of this order be placed on the file of the other connected case.”

Learned State counsel, on instructions from HC Parveen Kumar, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and are not required for further interrogation, at this stage.

In view of the above, the order dated 19.10.2019 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The present petitions stand disposed of.

October 25, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No