

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

203-2

**CRM-M-47012-2019
Date of decision: 29.11.2021**

Kashmir**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. K. D. S. Hooda, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0576 dated 28.08.2018, registered under Sections 409, 420, 506 and 34 of the IPC at Police Station Meham, Rohtak.

The operative part of the order dated 06.11.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“It is contended by learned counsel for the petitioner that the allegations in the case are regarding the award of sub contract of survey of clean drinking water on behalf of the Company; named Gajraj Info Pvt. Ltd. It is further the allegation that the complainant paid about Rs.12 lakhs for the said sub-contract. The complainant even did the work of survey and submitted the forms to the said Company. However, no payments have been made by the said Company for the work done by the complainant. Hence, he has been put to loss of Rs.12 lakhs. The allegation against the petitioner is that; it is the petitioner who received the entire amount of Rs.12 lakhs, some of which was received through cash and some of which was through

'self' cheque of the complainant. However, counsel for the petitioner has submitted that the petitioner has no concern with the above said Company – Gajraj Info Pvt. Ltd. Therefore, there is no question of the petitioner being involved in any award of said contract to the complainant. The petitioner is only a neighbour of the complainant. Even before the lodging the present FIR by the complainant, the petitioner and the complainant were having inter-se dispute. To take the revenge on that count only, the petitioner has been named in this case. Otherwise, there is no document/ evidence with the complainant that any money was paid to the petitioner. Even on the 'self' cheque, alleged by the complainant, there are no signatures of the petitioner as mark of encashing the same. Still further, it is submitted that otherwise also, the complainant himself has alleged that pursuant to the award, he had started the work, therefore, there is no question of any misappropriation of the amount by the petitioner, even if assumed to have been paid by the complainant.

Notice of motion for 02.03.2020.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 06.11.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer, has though submitted that petitioner has not joined investigation.

In view of the above, considering the fact that the petitioner was granted the concession of interim bail almost two years back and he has not misused the same during the intervening period, the present petition is allowed and the interim bail granted to the petitioner, vide order dated

06.11.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, the petitioner is directed to appear before the Illaqua Magistrate on 13.12.2021 at 11.00 AM, who will call the Investigating Officer and make the petitioner join investigation.

It is made clear that in case the petitioner fails to join investigation on the date fixed above, this petition shall be deemed to be dismissed.

29.11.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No