

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1136-2022 (O&M)
Date of Decision:-19.5.2022

Krishan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Virender.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.237 dated 12.8.2019, Police Station nangal Chaudhary, District Mahendergarh, under Sections 406, 420 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 13.1.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.237, dated 12.8.2019, Police Station Nangal Chaudhary, District Mahendergarh, under Sections 406, 420, 34 IPC.

As per the allegations levelled in the FIR, the complainant and some other persons used to trade in buffaloes and the petitioner used to purchase buffaloes from them and used to make payments. It is alleged that on 12.7.2019, the petitioner purchased as many as 94 buffaloes from the complainant and from others, but did not make any payment in respect of the same.

Learned counsel for the petitioner has submitted that even if all the allegations as levelled in the FIR are taken to be correct, the same at best is a case of civil liability on account of the petitioner not having made payment in respect of the buffaloes purchased by him.

Notice of motion for 19.5.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation but has not got the 94 buffaloes recovered.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner has joined investigation and also that it will be debatable as to whether it is a case of civil liability or a criminal liability, the petition merits acceptance and is hereby accepted and the interim directions issued by this Court vide order dated 13.1.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the

Investigating Officer and shall also abide by the conditions as provided under
Section 438(2) Cr.P.C.

19.5.2022
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No