

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

CRM-M-3093-2022 (O&M)

Date of Decision:- 24.8.2022

Harish Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Sharma, Advocate, for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Shailendra Sharma, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.283, dated 01.7.2020, Police Station Ambala Cantt. District Ambala, under Sections 177, 409, 420 IPC (Section 34 IPC added later on), wherein he has been summoned with the aid of Section 319 Cr.P.C. so as to face trial along with other co-accused.
2. At the time of issuance of notice of motion the following order was passed on 28.1.2022:

“This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner, who has been summoned by the trial Court under Section 319 Cr.P.C. to face trial in FIR No.283, dated 01.07.2020, registered under Sections 177, 409, 420 of IPC (Section 34

IPC added lateron) at Police Station Ambala Cantt., District Ambala.

Learned counsel for the petitioner would contend that the matter had been investigated and challan presented and nothing is to be recovered from the petitioner herein. Since he has been summoned under Section 319 Cr.P.C. during trial, his custodial interrogation would not be required. It is further contended that the other co-accused who have been summoned under Section 319 Cr.P.C. have already been granted interim bail by this Court.

Notice of motion.

At this stage, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana, and Mr. Jagan Nath Bhandari, Advocate for the complainant, who are present through the medium of video conferencing, accept notice and oppose the grant of anticipatory bail to the petitioner.

I have heard learned counsel for the parties and have perused the paper book.

Keeping in view the fact that the petitioner had not initially been nominated in the FIR and the similarly situated persons have already been granted interim bail by this Court, the petitioner herein is directed to put in appearance before the trial Court within a week and on his doing so, he will be admitted to interim bail on his furnishing adequate personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

List for further consideration on 26.05.2022.”

3. Learned counsel representing the petitioner has submitted that pursuant to interim directions the petitioner had surrendered before the trial Court and had furnished bail bonds and is appearing regularly before the Court.

4. On the other hand learned State counsel, assisted by learned counsel for the complainant has vehemently opposed the petition and has submitted that it is a case of colossal fraud of about Rs.8 crores and that there is documentary evidence to substantiate the allegations against them. Learned counsel for the complainant has further submitted that in fact even during the course of departmental inquiry all the accused had been found to be guilty and that in these circumstances the complicity of the petitioner is *prima facie* evident and he does not deserve the concession of bail particularly when the main accused is yet to be arrested.
5. I have considered rival submissions addressed before this Court.
6. Given the fact that the investigation is already complete and the petitioner has been summoned with the aid of Section 319 Cr.P.C. and pursuant to directions issued by this Court, has been released on interim bail, it is not a case which would warrant detention of the petitioner at this stage. The petition, as such, is accepted and the interim directions issued by this Court vide order 28.1.2022 are hereby made absolute. The petitioner shall, however, ensure his presence before the Trial Court on each and every date.

24.8.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No