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

CRM-M-5627-2022

Date of decision : 10.02.2022

Anup Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Neeraj Sheoran, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.16 dated 13.01.2021 registered under Sections 408, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 at Police Station Madlauda Panipat, District Panipat.

Learned counsel for the petitioner has submitted that in the present case, neither the petitioner has been named in the FIR nor there is any allegation therein that it was the petitioner who had cheated or dishonestly induced any person or made any alteration to or forged any document. It is further submitted that the petitioner is 53 years of age and is suffering from various ailments. It is argued that the petitioner is not

involved in any other case and has been implicated in the present case only on account of the fact that he is the father of the main accused namely Vikas.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that although it is Vikas who is the main accused and the said Vikas alongwith Manish and Naveen, had duped the complainant with respect to all the nine mobile phones and had sold the same, but as per the disclosure statement of the said Vikas, he had submitted that an amount of Rs.2.5 lacs was given by him to his father i.e. present petitioner and his father had given only Rs.20,000/- to the said Vikas. It is further stated that recovery of Rs.10,000/- has been made from Vikas. Learned counsel for the State has submitted that from the abovesaid, it appears that an amount of Rs.2,30,000/- has been given to the present petitioner by the main accused Vikas.

Learned counsel for the petitioner, in rebuttal, has submitted that the disclosure statement is very weak piece of evidence and there is nothing else to connect the present petitioner with the alleged incident. In fact, there is no privity of contract between the petitioner and the complainant. It is submitted that however, in order to show his bona fide, and without admitting his liability, the petitioner is ready to deposit an

amount of Rs.50,000/- with the concerned Illaqa Magistrate/trial Court within a period of one month from today.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioner has not been named in the FIR and there is no allegation against him of fraudulent inducement or forgery and the petitioner has been implicated only on the basis of disclosure statement of the main accused Vikas and also the fact that the petitioner is not involved in any other case, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

The said order would be subject to deposit of an amount of Rs.50,000/- with the concerned Illaqa Magistrate/trial Court within a period of one month from today and the Illaqa Magistrate/trial Court is directed to put the said amount in a Fixed Deposit and the said amount would be released, in accordance with law, with the final directions given by the trial Court after conclusion of the trial. The said deposit of an amount of Rs.50,000/- shall not be construed as an admission of liability by the petitioner.

It is, however, clarified that in case, the petitioner does not deposit the said amount, then the present petition for grant of anticipatory bail to the petitioner would be deemed to have been dismissed.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

10.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No