

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

**CRM-M-10169-2022
Date of decision: 10.05.2022**

Hemant Kumar Bhatia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Shaveta Sanghi, 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. 0233 dated 26.04.2017, registered under Sections 419, 420, 467, 468 and 471 of the IPC at Police Station DLF Phase-I, District Gurugram.

The operative part of the order dated 10.03.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the FIR has been registered at the instance of the estranged wife of the petitioner and the litigation under the Domestic Violation Act as well as a divorce petition is already pending between the parties.

Learned counsel further submits that the allegations in the FIR are that the petitioner and the complainant have booked a flat in joint name and the payment was made by the petitioner through cheque, though the complainant was contributing towards the same, however, there is nothing on record to show that any amount was paid to the petitioner in cash.

Learned counsel further submits that the Deputy Commissioner of Police, Gurugram, on receiving a complaint from the complainant, without following the guidelines of Hon'ble Supreme Court that in the matters relating to financial dispute, a notice be given under Section 41-A Cr.P.C. to the person and also without following the directions given by this Court that in such type of matters, the opinion of the District Attorney (Legal) should be taken, has straightway issued the directions for registration of the FIR.

Notice of motion for 10.05.2022”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 10.03.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Amit Kumar, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 10.03.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

10.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No