

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

CRM-M-9802-2020 (O&M)
Date of Decision:- 9.2.2022

Dipesh Parwani

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harlove Singh Rajput, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Bablish.

Mr. Harsh Chopra, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

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. 356, dated 20.8.2019, Police Station Civil Lines, Gurugram, under Sections 406, 408, 420, 34, 120-B IPC.
2. At the time of issuance of notice of motion, the following order was passed by this Court on 19.2.2021:

“Case taken up through video conferencing.

Learned counsel for the petitioner has contended that petitioner was just a co-borrower and the building in question had been purchased by father of the present petitioner, namely, Shankar Parwani and in the sale deed itself, the nature of property in question is mentioned to be commercial. He has referred to copy of sale deed dated 02.12.2014 (Annexure P-8/A) in that regard. He has further contended that the main borrower, namely, Shankar Parwani, father of the petitioner has been arrested and released on regular bail. The bank official, namely, Kaushik Chatterji was also arrested and granted regular bail. Learned counsel for the petitioner has further submitted that the main allegations are that the building which was offered as collateral security representing it to be commercial in nature was in fact a residential building, which had collapsed and the petitioner has no role to play in the whole transaction. He has contended that the petitioner is ready and willing to join the investigation.

Learned counsel for the complainant has submitted that the petitioner is a co-borrower and his active involvement in the entire transaction was there and 10 persons had lost their lives in the collapse of the building.

Ld. State counsel has contended that the petitioner has not joined the investigation so far.

Under the circumstances, I find it proper and appropriate to grant an opportunity to the petitioner to join the investigation by contacting the Investigating Officer within 07 days from today and render all sort of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.

List on 05.04.2021.”

3. Learned State counsel, upon instructions from ASI Bablish has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
4. In view of the aforestated position wherein the petitioner has already joined investigation and is not required for custodial interrogation, the petition is accepted and interim directions issued by this Court vide order dated 19.2.2021 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.

09.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No