

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

CRM-M-13986-2022 (O&M)
Date of Decision:-2.8.2022

Ankit Kumar	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Mehak Sawhney, Advocate for the petitioner.

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

Mr. Ajay Kalra, 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 vide FIR No.161 dated 19.9.2021, Police Station Loharu, District Bhiwani, under Sections 407, 506 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 4.4.2022:

“Prayer is for grant of anticipatory bail in case FIR No.161 dated 19.09.2021 under Sections 407,506,120-B IPC registered at P.S Loharu, District Bhiwani.

FIR was lodged on the statement of Sarvin Kumar, who stated that he is a Senior Manager in M/s Delivery Private Limited. It is an online logistic Company, which delivers parcels in various cities.

Such parcels are delivered by the Company itself or through its franchisees. For the purpose of parcel delivery in the area of Loharu, the Company had executed a franchisee agreement with one Jaivir Singh. It is alleged that Jaivir Singh has defrauded the complainant Company of an amount of Rs.42,58,863/-. The accused used to receive parcels of the Company and take fixed commission but the parcels were not delivered to the customers. It is further alleged that when the complainant protested, then the petitioner and one Sanjay threatened him with a sharp edged weapon.

Learned counsel for the petitioner contends that the petitioner has no concern or connection with Jaivir Singh. He is not regular employee of Jaivir Singh. He only worked with Jaivir Singh on daily wage basis for a short period and that no threat was ever extended by the petitioner to the complainant. Said Jaivir Singh has since been taken in custody and that the petitioner undertakes to cooperate with the investigating agency.

Notice of motion for 19.07.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

3. Learned State counsel, upon instructions from ASI Vijender, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.
4. In view of the aforestated position, wherein this Court finds that the petitioner was merely working on daily wages with Jaivir Singh as a

franchise of 'M/s Delivery Private Limited' and while also bearing in mind the fact that the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 4.4.2022 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.

2.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No