

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-16700-2021

Date of decision: - 12.07.2022

Harpreet Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amritpal Singh Gill, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Anuj Balian, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.114 dated 06.09.2020, registered under Sections 406, 420 and 506 IPC and Sections 10 and 24 of the Immigration Act, at Police Station Krishana Gate, Thanesar, District Kurukshetra.

On 20.04.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.114 dated 06.09.2020 under Sections 406, 420, 506 IPC and Sections 10, 24 of Immigration Act registered at Police Station Krishana Gate, Thanesar, District Kurukshetra.

Contentends that a perusal of the FIR clearly reveals that no amount was ever paid to the petitioner. He further contends that even as per the contents of the FIR, Rs.1.50 lakhs had been transferred through RTGS into the account of the co-accused Manish Kumar and the remaining 03 lakhs was given to another co-accused Sonu. Learned counsel submits that in fact out of the amount allegedly taken

by the accused including the petitioner i.e. a sum of Rs.4.5 lakhs, Rs.01 lakh already stands returned to the complainant widow which fact finds reflected even in the compromise arrived at between the parties dated 29.12.2020 (Annexure P2). Learned counsel contends that co-accused Manish and Sonu have since been extended the concession of bail by the trial court.

Notice of motion for 14.07.2021.

On the asking of the Court, Ms. Tanushree Gupta, DAG, Haryana, who is appearing through video conferencing, accepts notice on behalf of the State.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.

**(MANJARI NEHRU KAUL)
JUDGE**

20.04.2021”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Learned counsel appearing for respondent No.2 has submitted that although the compromise has been effected between the parties, but the terms of the said compromise has not been fully met out by the petitioner and thus, opposed the present petition for anticipatory bail.

This Court considered the arguments raised by learned

counsel for the parties and perused the record.

It is not in dispute that no amount has been transferred into the account of the petitioner and that Rs.1.50 lakhs has been transferred through RTGS into the account of the co-accused Manish Kumar and the remaining 03 lakhs was given to another co-accused Sonu. As per the compromise, an amount of Rs.01 lakh has been returned to the complainant. The petitioner has already joined the investigation and as per the stand of respondent-State, the petitioner is not required for further custodial interrogation. Moreover, the fact as to whether the petitioner is involved in the entire transaction or not, would be finally adjudicated during the course of the trial.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 20.04.2021, the present petition is allowed and the interim order dated 20.04.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

July 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No