

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

203(a)

CRM-M-14054-2020 (O&M))

Date of decision : 12.01.2022

RAM DEV MITTAL

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE sHARSIMRAN SINGH SETHI

Present :- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Gagan Pradeep Singh Bal, Advocate
for complainant-respondent No.2.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

CRM-12305-2020

Application is allowed as prayed for.

CRM-24391-2020

This is an application under Section 482 Cr.P.C. for
impleadment of complainant-Rajesh Kumar as party respondent No.2.

Notice of the application.

Learned counsel for the petitioner accepts notice of the
application and states that he has no objection if complainant - Rajesh
Kumar is impleaded as party respondent No.2 in the case.

In view of grounds mentioned in the application and no
objection of learned counsel for petitioner, application is allowed.

Complainant- Rajesh Kumar is ordered to be impleaded as party respondent

No.2 in the instant case.

Amended memo of parties is taken on record.

CRM-24394-2020

This is an application for placing on record affidavit of Rajesh Kumar.

The application is allowed.

Affidavit of Rajesh Kumar annexed with the application is taken on record.

CRM-12229-2021

This is an application for placing on record investigation report.

Application is allowed as prayed for, subject to all just exceptions.

CRM-M-14054-2020

Petitioner is seeking anticipatory bail in FIR No. 148 dated 13.06.2017 under Sections 406, 420, 467, 468, 471, 506, 120-B of IPC, 1860 registered at Police Station Uklana, District Hisar

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by co-ordinate Bench of this Court on 04.06.2020. Order dated 04.06.2020 is as under:-

“The petitioner is seeking anticipatory bail in FIR No. 148 dated 13.06.2017 under Sections 406, 420, 467, 468, 471, 506, 120-B of IPC, 1860 registered at Police Station Uklana, District Hisar.

Notice of motion.

Mr. Deepak Sabherwal, Additional Advocate General, Haryana accepts notice on behalf of State.

Learned counsel for the petitioner and learned

counsel for the complainant state that the petitioner and complainant are ready for out of Court settlement.

Keeping in view that dispute is between real brothers and both are senior citizens, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he will be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C.:-

- 1. that the petitioner will make himself available for interrogation by a police officer as and when required;*
- 2. that the petitioner will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- 3. that the petitioner will not leave India without the prior permission of the Court;*
- 4. such other condition as may be imposed under sub section(3) of Section 437, as if the bail was granted under that section.*

A direction is given to District Judge, Hisar to appoint Mediator so that both the parties can have out of Court settlement.

List on 11.09.2020.”

Learned State counsel on instructions from SI Vinod Kumar submits that though the petitioner has already joined the investigation and as of now, he not required but as the investigation is still in progress it might be a possibility that the petitioner will be required to clarify any doubt of the Investigating Agency hereinafter for which, the petitioner be bound to appear before the Investigating Agency so as to clarify the said doubts.

The learned counsel for the petitioner very fairly submits that as and when, prior to the submission of the report under Section 173 Cr. P.C., in case the petitioner is required to join the investigation again, the petitioner

will appear before the Investigating Agency without raising any objection.

In view of the above, the order dated 04.06.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

12.01.2022
rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No