

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20601-2022
Date of decision : 16.08.2022

Hukam Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Saurabh Bajaj, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0182 dated 05.03.2022 registered under Sections 406, 420 IPC at Police Station Krishana Gate, Thanesar, District Kurukshetra.

On 13.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the entire allegations with respect to inducement and promise are against the co-accused and as per the case of the prosecution, the petitioner had received the money on the asking of the co-accused Gurpreet Singh Dhillon and had affixed the signatures on the receipt alongwith other co-accused. It is further submitted that the petitioner had in fact, paid an amount of Rs.22,00,000/- to Naresh on the asking of said Gurpreet Singh Dhillon. It is argued that the petitioner has even filed a civil suit with respect to return of the receipt signed by him. It is further argued that the petitioner is ready to make the payment of Rs.1,00,000/- to the complainant without admitting his liability

only to show his bona fide.

Notice of motion for 21.07.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to get the demand draft amounting to Rs.1,00,000/- prepared in the name of the complainant on the next date of hearing.

It is made clear that in case, the said demand draft amounting to Rs.1,00,000/- prepared in the name of complainant is not produced on record on the next date of hearing, then the present interim order granted would be liable to be vacated.

13.05.2022”

Thereafter on 21.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that he has got the original demand draft of Rs.1 lac in the name of the complainant.

Learned State counsel has submitted that the petitioner has joined the investigation but is not fully cooperating in the investigation.

The petitioner is again directed to join investigation on 28.07.2022 at 11:00 AM and hand over the above said demand draft to the Investigating Officer and the Investigating Officer is directed to hand over the same to the complainant after taking receipt from the complainant.

Adjourned to 16.08.2022.

Interim order to continue.

July 21, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said orders, the petitioner has handed over the demand draft to the tune of Rs.1 lac in favour of the complainant to the investigating officer and has joined the investigation.

Learned State counsel, on instructions of ASI Sunil, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 13.05.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 13.05.2022 is made absolute.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

August 16, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No