

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

203

CRM-M-18636-2020 (O&M)

Date of decision : 12.01.2022

SUGAN CHAND GOYAL

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Aditya Sanghi, 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-16138 of 2020 and
CRM-31111 of 2021**

Applications are allowed as prayed for.

CRM-24392 of 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 stated 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-24393 of 2020

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

The application is allowed.

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

CRM-M-18636-2020

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

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 14.07.2020. Order dated 14.07.2020 is as under:-

“Petitioner is seeking grant of anticipatory bail in F.I.R No. 148 dated 13.06.2017 under Section 406/420/467/468/471/506/120-B IPC, registered at P.S. Uklana, District Hisar, Haryana

At the very outset, learned counsel has referred to order dated 04.06.2020 (P-3) whereby this Court granted interim bail to co-accused Ram Dev Mittal, as the dispute is between real brothers and both are senior citizens. Further learned counsel for the parties submitted that they are ready for an out of Court settlement. A direction was given to District Judge, Hisar to appoint Mediator so that parties can have out of Court settlement.

The allegations against the present petitioner is on 09.02.2016, Ramdev Mittal and other partners with the hands in gloves of present petitioner withdrawn an amount of Rs. 29,37,000/- from the account of firm and complainant raised objection about this withdrawal.

Notice of motion for 29.09.2020.

On asking of the Court, Ms. Tanisha Peshawaria, DAG, Haryana and Ms. Mehak Sawhney, Advocate accepts notice on behalf of

the respondent-State and complainant respectively.

Keeping in view the fact that the co-accused has been granted interim bail and the talks of compromise are going on, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall 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:-

(a) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(b) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(c) that the petitioner shall not leave India without the previous permission of the Court;

(d) such other condition as may be imposed under sub section (3), as if the bail were granted under that section.”

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 14.07.2020 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
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Whether speaking/reasoned	Yes
Whether Reportable :	No