

In virtual Court

CRM-M-27164-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27164-2021 (O&M)
Date of decision: 08.02.2022

Shamsher Malik

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.D.S. Bali, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Ms. Vrinda Bhargava, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR
No.267 dated 26.04.2021 under Sections 406, 420 IPC, registered at Police
Station City Hansi, District Hansi.

While staying arrest of the petitioner, following order was passed
by this Court on 15.07.2021: -

*“...Learned counsel contends that the petitioner has been
implicated in a false case on the allegations of payment having
been made to him by the complainant for securing appointment for
his daughter in the District Courts at Hansi, after a period of more
than one year from the date of declaration of the result in which*

the complainant's daughter was not selected..."

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and states that the petitioner is no more required for any further investigation, however, on the basis of reply of Deputy Superintendent of Police, Hansi, has submitted that during the investigation, statements of the witnesses were recorded, who have stated about giving payment by the complainant.

Learned counsel for the complainant has additionally argued that initially, some panchayats were convened to resolve the matter, however, when the petitioner did not make the payment, present FIR was registered.

In view of the above, this petition is allowed and the order dated 15.07.2021 passed by this Court, vide which arrest of the petitioner was stayed, is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioner to join him in the investigation.

[ARVIND SINGH SANGWAN]
JUDGE

08.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No