

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+202)

CRM No. M-28599 of 2021 (O&M)

Date of Decision : 14.02.2022

Ram Kumar

....Petitioner

Versus

State of Haryana and another

.....Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. J.S. Dahiya, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Rajeev Sharma (Raju), Advocate for the complainant.

Mr. Mohan Singh Chauhan, Advocate for respondent No. 2.

Harsimran Singh Sethi, J. (Oral)

CRM-43114-2021, CRM-2445-2022 and CRM-5166-2022

Applications are allowed, as prayed for.

CRM-5082-2022

Present application has been filed for placing on record documents as Annexures R-2/3, R-2/4/T and R-2/5.

Application is allowed and above mentioned documents are taken on record.

CRM No. M-28599 of 2021

The petitioner is seeking anticipatory bail in FIR No. 95 dated 18.03.2021, registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Madhuban, District Karnal.

Learned counsel for the petitioner contends that the petitioner

has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 29.07.2021. Order dated 29.07.2021 is as under:-

“The case has been taken up for hearing through video-conferencing.

As per allegations, the petitioner, Rajinder Singh (Manager) and other employees of the society have embezzled an amount of Rs.22,40,881/- during financial year 2016-17 and 2017-18. The amount has come forth in the audit report.

Learned counsel for the petitioner submits that co-accused Rajinder Singh was responsible for the embezzlement as entire record was in his custody and he has been granted concession of anticipatory bail vide order dated 12.07.2021 passed in CRM-M No.15554 of 2021. Petitioner is only an employee having no control over the record. He has been victimized just to stall his promotion, for which he had invoked writ jurisdiction of the High Court.

In order to appreciate the controversy in its correct perspective, the Co-operative Society i.e. Uncha Samana Primary Agriculture Co-operative Society through his Manager is ordered to be impleaded as respondent No.2.

Let notice be issued to the Society for 21.09.2021.

Till the next date of hearing, just for one time arrangement, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 03.08.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to the satisfaction of Arresting Officer.

However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned State counsel, who has also joined the proceedings

through video conference, on instructions from SI Balbir Singh states that in terms of the order of the Co-ordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 29.07.2021 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 will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 14, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No