

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-27676-2022

Date of decision: - 03.08.2022

Pardeep Dixit

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashwani Gaur, Advocate, for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.71 dated 28.01.2022, under Sections 406 and 420 IPC, registered at Police Station Gohana City, District Sonapat.

On 29.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the wife of the petitioner had made a complaint dated 23.11.2020 to the SHO, Police Station Vivek Vihar, Delhi, which was received on 24.11.2020 as is apparent from the endorsement on the said complaint (Annexure P-2) and in the said complaint, the present complainant was stated to be one of the accused who alongwith other accused had tried to usurp the house of the wife of the petitioner. It is further submitted that a criminal complaint dated 19.01.2021 was also filed before the Courts at Delhi in which the present complainant Dr. Jai Parkash was one of the accused and for the same, reference has been made to Annexure P-3. Further reference has been made to the civil suit filed by the wife of the petitioner (Annexure P-4) in which also the said complainant has been made a party and in the said suit, an interim order dated

10.12.2020 has been passed to the effect that status quo with respect to the ownership and possession of the suit property shall be maintained. It is argued that as a counter blast to the same, the present FIR has been registered on 28.01.2022 as per which, allegations have been levelled to the effect that the petitioner had taken Rs.50 lakhs in cash from the complainant for appointing him as chairman of Ayurved. It is further argued that a perusal of the FIR would show that no date on which the said amount has been paid nor any documentary proof with respect to the same has been referred to in the FIR. It is contended that the said FIR is absolutely false and baseless.

Notice of motion for 03.08.2022.

In the meantime, in the event of arrest, the petitioner are ordered to be released on interim bail subject to their 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.

(VIKAS BAHL)
JUDGE

29.06.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Mahinder Singh, has submitted that the petitioner has joined the investigation on 27.07.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 29.06.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the

present petition is allowed and the interim order dated 29.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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 application.

August 03, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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