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

CRM-M-27665-2022

Date of decision : 24.08.2022

Vishnu Yaksh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Kundra, Advocate for
Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.242 dated 26.05.2022 registered under Sections 120-B, 193, 212, 384, 406, 409, 420, 467, 468, 471, 506 of the Indian Penal Code, 1860 (Sections 13/7 of the Prevention of Corruption Act, 1988 and Sections 3/4 of the Haryana Chit Funds Rule, 2018 have been added later on) at Police Station Sector-5, District Panchkula.

On 29.06.2022, this Court had passed the following order:-

“Inter alia contends that in the present case, the petitioner has not been named in the FIR nor any allegation of receiving bribe has been levelled against him. It is submitted that the petitioner is not a government servant and is only an accountant working in a private firm run by one of the co-accused namely Narinder Khillan and does

not hold any office of authority and thus, the question of any person paying him bribe, would not arise. It is argued that FIR No. 148 dated 15.04.2022 was also got registered by one Anil Bhalla by moving a complaint dated 27.11.2021 and the present petitioner is not the complainant in the said FIR. Learned senior counsel for the petitioner has further highlighted the fact that the order passed by the Additional Sessions Judge, Panchkula is based on incorrect facts inasmuch as, although, in paragraph 1 of the order (page 24 of the paperbook), the argument of the petitioner to the effect that he has not been named in the FIR has been noticed but a perusal of paragraph 2 would show that the Additional Sessions Judge, Panchkula has decided the case of the petitioner after considering the allegations pertaining to Gurmej Singh as if he was considering the case of Gurmej Singh, who was the Investigating Officer in FIR No. 148 dated 15.04.2022 and the said fact is apparent from the last line at page 25 of the paperbook, wherein it has been stated that "petitioner Gurmej Singh prepared all the documents of arrest and showed to the complainant if the petitioner will not pay the said amount of Rs.50 Lakhs to Anil Bhalla else petitioner Gurmej Singh will arrest the complainant". It is further submitted that in the last part of paragraph 2, it has been stated that an amount of Rs.50,000/- is to be effected from the petitioner accused Sanjeev Garg, whereas the said Sanjeev Garg is the complainant in the present case.

Notice of motion for 03.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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.

Learned State counsel is at liberty to place on record the documents to show that the petitioner is not entitled for anticipatory bail. ”

On 03.08.2022, the petitioner was again directed to join the investigation on 10.08.2022 at 11:00 AM.

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 03.08.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ACP SS Yadav, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

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 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 application.

24.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No