

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

Sr. No.101

CRM-M-33977-2021

Date of decision: 01.04.2022

Vikram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.450 dated 16.11.2020 registered under Sections 406, 420, 506, 120-B, 193 IPC (Sections 467, 468, 471 added later on) at Police Station Pundri, District Kaithal.

As per the complainant he was dealing in the business of hatching chicks; the petitioner entered into an agreement with the complainant's firm for hatching of chicks in three of the petitioner's poultry farms; in pursuance to such agreement, the complainant delivered to the petitioner over 22000 chicks; necessary feed medicines etc. were also supplied; on inspection, the delivered chicks were not found; the petitioner was sought to be contacted but to no avail; when the complainant's supervisor managed to contact co-accused Jagdish he was abused and threatened and later, the complainant alongwith his supervisor visited the poultry farms of the petitioner but could find only 2/3 chicks and a few bags of feed.

On the basis of the above complaint, a FIR was lodged against the petitioner and his father under Sections 406, 420, 506, 120-B and 193 IPC in which the petitioner sought bail from the Sessions Court at Kaithal on the rejection of which he knocked the doors of this Court for the same relief through CRM-M-43145-2020 – Vikram Singh vs. State of Haryana.

After arguing the matter at length, when this Court was disinclined to grant him relief, learned counsel appearing for the petitioner sought and got permission to withdraw such petition to enable the petitioner to surrender.

The petitioner was denied anticipatory bail by this Court on the acceptance of the plea of the State that the petitioner's custodial interrogation was required. However, shockingly, on the petitioner's surrender the investigating officer decided not to custodially interrogate the petitioner and granted him bail. Thus, a relief which was denied to the petitioner by the Sessions Court as also this Court was granted to him by the investigating officer.

Further investigation in the afore FIR revealed that in addition to the offences of fraud, the petitioner had also forged bills and manipulated documents like Aadhar Card, Pan Card etc. Such documents had been used by him to get the chicks in question released on superdari from the Trial Court. Resultantly, offences under Sections 467, 468 and 471 IPC were also added in the originally registered FIR. Due to such change, the petitioner again approached the Trial Court for the grant of anticipatory bail on the dismissal of which the present petition has been filed for the same relief.

Learned counsel for the petitioner submits that so far as the sections of the IPC mentioned in the original FIR are concerned, the petitioner was granted bail by the investigating officer and the allegations of forgery are not made out against the petitioner and even if they accepted, though denied, the same would be made out only against the petitioner's father.

In the FIR originally lodged against the petitioner he was accused of having fraudulently misappropriated over 22000 chicks supplied to him by the complainant. In such FIR he sought anticipatory bail from the Sessions Court at Kaithal. The State opposed his plea and sought his custodial interrogation. Such plea of the State was accepted. The petitioner then approached this Court for the relief which was denied to him by the Trial Court but when this Court was disinclined to grant him anticipatory bail, learned counsel appearing for the petitioner withdrew such petition to enable the petitioner to surrender. Such order was passed by

this Court on the opposition by the State to the grant of anticipatory bail to the petitioner. Thus, according to the Sessions Court at Kaithal as also this Court, in the facts of the case as they stood then, the petitioner's custodial interrogation was necessary. Shockingly, what was concurrently denied to the petitioner by the Trial Court as also this Court was granted to him by the investigating officer. If the investigating officer had to grant anticipatory bail to the petitioner there was no occasion for the State to seek the petitioner's custodial interrogation before the Trial Court as also this Court.

Anticipatory bail was denied to the petitioner when he was sought to be proceeded against for having fraudulently misappropriated over 22000 chicks entrusted to him by the complainant. Now, the allegations against the petitioner are also of having forged documents as also of using them in Court proceedings. These allegations are considered even more serious than the allegations in the FIR originally lodged against him. The relief sought for by the petitioner was denied to him in the FIR originally lodged and in view of the addition of more serious offences the petitioner's plea for the grant of anticipatory bail cannot be accepted.

Dismissed.

April 01, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No