

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
203

CRM-M-36017-2021
Date of decision : 31.03.2022

Bhiku Ram Kaushik ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mahir Sood, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first bail application under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.218 dated 24.12.2019 registered under Sections 406, 420 and 34 of Indian Penal Code at Police Station Rampura, District Rewari (Haryana).

On 02.09.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that a perusal of the FIR reveals that the petitioner has not been named as one of the 11 accused and that although the FIR mentions deposit of Rs.14,375/- in the account of the

petitioner on account of fraud played by all the co-accused in connivance with each other, the petitioner was also a victim of the fraud by the coaccused in respect of which he had submitted application Annexure P-3 dated 03.08.2018 to the Superintendent of Police, District Mahendergarh at Narnaul.

Learned counsel further contends that fraudulent agreements were made by the co-accused with the petitioner as is evident from Annexure P-4, P-5 and P-6 for which they took a sum of Rs. 1,00,000/- from the petitioner.

Notice of Motion.

Mr. Sandeep Singh Mann, Addl. AG, Haryana accepts notice and requests for time to file reply.

Adjourned to 13.10.2021.

In the meantime, arrest of the petitioner is stayed till the next date.”

On 15.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that in the present case, the petitioner could not join the investigation as only arrest had been stayed and there was no direction to join the investigation.

Adjourned to 31.03.2022.

Meanwhile, petitioner is directed to join the investigation on 22.03.2022 at 11:00 AM. In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the said orders, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions of SI Vinod, has submitted that the petitioner has joined investigation in the present case and is not required for custodial interrogation

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 02.09.2021 and 15.03.2022 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 15.03.2022 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 petition.

(VIKAS BAHL)
JUDGE

31.03.2022
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Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No