

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

CRM-M-42099-2021

Date of decision : 16.08.2022

Karan Dhingra

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

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

Mr. N.S. Panwar, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.148 dated 05.06.2020 under Sections 420, 468, 471, 506 IPC registered at Police Station Sector 13/17 Panipat, District Panipat.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and even a perusal of the FIR would show that the main accused is one Isha Dhingra, who is the sister of the present petitioner. It has been submitted that so far as the present petitioner is concerned, he has been falsely implicated in the present case only because he was the brother of the aforesaid Isha Dhingra. He further submitted that be that as it may the petitioner has already joined investigation in pursuance to the order passed by this Court on 07.10.2021 and has also co-operated in the investigation process and, therefore, has prayed that the aforesaid order may be confirmed.

On the other hand, Mr. N.S. Panwar, learned Deputy Advocate General, Haryana has submitted that an affidavit has been filed by the Deputy Superintendent of Police, City Panipat and by referring to Para-6 of the affidavit, he stated that it is correct that the petitioner has joined investigation. However, he has objected the grant of anticipatory bail on the ground that some recovery of money is to be made in the present case and the petitioner has not disclosed the whereabouts of the other co-accused, namely, Isha Dhingra and therefore, custodial interrogation is required.

I have heard the learned counsel for the parties.

As per the allegations in the FIR the main accused is Isha Dhingra, sister of the petitioner. The role of the petitioner was pertaining to conspiracy with her for taking money. However, the petitioner has already joined investigation in pursuance to the order passed by this Court dated 07.10.2021. The objections taken by the learned State counsel are that recovery of money is to be effected and also that the petitioner has failed to disclose the whereabouts of Isha Dhingra, are not sustainable. So far as the ground taken by the learned State Counsel for the purpose of recovery of money, the custodial interrogation is required, the same is not sustainable because the police cannot become recovery agents and for that purpose the custodial interrogation cannot be permitted. Secondly, so far as the whereabouts of the aforesaid Isha Dhingra is concerned, the same is the position because learned counsel for the petitioner has stated that he is not aware of the whereabouts of his sister and for that purpose custodial interrogation cannot be permitted.

In view of the aforesaid, this Court is of the view that the petitioner has already joined investigation and both the objections taken by the learned Deputy Advocate General, Haryana are not sustainable.

Consequently, the present petition is allowed and the order dated 07.10.2021 is hereby made absolute.

16.08.2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No