

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

272+101

**CRM-M-39742-2022 (O&M)
Decided on : 10.10.2022**

Ram Niwas

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Manoj Tanwar, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana
assisted by SI Sarika.

Mr. Rohit Kaushik, Advocate with
Mr. Sanjeev Kaushik, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

CRM-37078-2022

This is an application filed under Section 482 Cr.PC, for placing on record the copy of medical record of the applicant-petitioner as Annexure P-4.

Notice of this application.

Learned State counsel as well as learned counsel for the complainant, who are present in Court, accepts notice on behalf of the non-applicant-respondents. They plead no objection if the aforesaid medical record of the applicant-petitioner is taken on record.

In view of above, application is allowed and the copy of medical record of the applicant-petitioner as Annexure P-4, is taken on record, subject to all just exceptions. Office to tag the same at appropriate place in the case file.

CRM-M-39742-2022

Prayer in this petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 41, dated 12.02.2022, under Sections 420, 467, 468, 471, 201 of IPC, registered at Police Station City Mohindergarh, Haryana (Annexure P-1).

Order dated 02.09.2022 says as under:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 420, 467, 468, 471, 201 of IPC, in a case arising out of FIR No. 41, dated 12.02.2022, registered at Police Station City Mohindergarh, Haryana (Annexure P-1).

Learned counsel for the petitioner contends that petitioner being the Namberdar of the village has been dragged in the present case with motivated purpose. Only allegation against the petitioner is that name of the petitioner has surfaced in the disclosure statement of co-accused Hukam Sing. Petitioner is not named in FIR. He further contends that amount of loan as shown in FIR, has been obtained by fraud by main accused Mahabir Singh and Sunil. There is no evidence that petitioner is beneficiary of any amount.

Learned counsel for the petitioner also submits that recently petitioner met with an accident, in which his both the legs were broken and presently he is admitted in Sawai Man Singh Hospital, Jaipur.

To substantiate the said argument, learned counsel for the petitioner would place on record the medical record of the petitioner before the next date of hearing.

Notice of motion.

On the asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State. A copy of the complete paper book has already been supplied to the State.

At this stage, Mr. Sanjeev Kaushik, Advocate, who is present in Court, has put in appearance on behalf of the complainant and submits that present petitioner is the person, who introduced the

victim to Hukam Singh, who was granted regular bail.

Adjourned to 10.10.2022.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2) Cr.PC.”

Learned counsel for the petitioner contends that in compliance of the order dated 02.09.2022, passed by this Court, the petitioner has joined the investigation and fully cooperated with the investigating agency.

Learned counsel for the State on instructions from SI Sarika, confirms the said averment and submits that the custodial interrogation of the petitioner is not required for the purpose of investigation.

Learned counsel appearing on behalf of the complainant, vehemently opposes the prayer for bail of the petitioner, by submitting that he is one of the main accused persons, who introduced the victim to Hukam Singh, to whom regular bail was granted. He further submits that such types of instances are increasing in the society and by forming a group are in habit to allure the people, to defraud and to cheat them.

Heard learned counsel for the parties.

I have considered the submissions made by learned counsel for the parties and reasons, which have already been recorded in the order dated 02.09.2022 and also the fact that name of the petitioner was not there in the FIR and his name surfaced only on the basis of disclosure statement of the co-accused. Learned State counsel has also not sought custodial interrogation of the petitioner.

Since, petitioner has already joined the investigation and his custodial interrogation is not required, the present petition is allowed and the

order dated 02.09.2022 is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

Petition is disposed of.

(SANJAY VASHISTH)
JUDGE

October 10, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*