

273-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.43582 of 2021 (O&M)

Decided on: 21.03.2022

Sohan Lal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 109 dated 08.04.2021 under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Siwani, District Bhiwani.

The operative part of the order dated 15.11.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....A common reply be filed to both the petitions, with counsel for the petitioners contending that in fact they are themselves victims of a fraud committed, inasmuch as, the person who stood as an attorney for two dead persons, is the actual offender, he having got executed a power of attorney of two dead persons.

If a reply is not filed to the petitions at least one week before the next date of hearing, the Superintendent of

Police, Bhiwani, shall remain personally present in court on the next date of hearing itself.

In the meanwhile, as regards the petitioner in CRM-M-43582-2021, i.e. Sohan Lal, learned counsel submits that since he is 80 years old, he may be admitted to interim bail.

Consequently, upon the petitioner (in CRM-M-43582-2021) joining investigation within 10 days from today, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Naturally, in the reply to be filed by a gazetted officer, the age of both the petitioners shall also be specifically stated, with it also to be determined as to whether they are actually illiterate or they are capable of reading and writing.

Adjourned to 17.12.2021.... ”

Later on, the interim order was continued and the petitioner was again directed to appear before the Investigating Officer.

Counsel for the petitioner has argued that the petitioner is aged about 81 years and in pursuance to the order dated 15.11.2021, he has appeared before the Investigating Officer and joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, considering the fact that the petitioner is on bail since November, 2021 and there is no allegation that he has misused the concession of bail, this petition is allowed and the interim bail granted to the petitioner vide order dated 15.11.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

21.03.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No