

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

**CRM-M No.42657 of 2022 (O&M)
Date of decision : 09.12.2022**

Rajesh Kumar Kheechi & anr.

..... Petitioners

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Jitender Singh, Advocate for
Mr. Keshav Partap Singh, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

None for the complainant.

PANKAJ JAIN, J. (ORAL)

CRM-35022-2022

Exemption application is allowed, as prayed for.

CRM-M No.42657 of 2022

The petitioners have prayed for grant of pre-arrest bail in FIR No.118 dated 15.05.2022 registered under Sections 406/420 IPC, at Police Station City Safidon, District Jind.

On 16.09.2022 while issuing notice of motion the following order was passed:-

“Apprehending their arrest in FIR No.118 dated 15th of May, 2022, registered for offence punishable under Sections 406, 420 of the Indian Penal Code, 1860 (for short, 'the IPC') at Police Station City Safidon, District Jind, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners inter alia contends that the complainant is in business of supplying feed and the petitioners own Poultry Farm. Admittedly, the petitioners were procuring poultry feed from the complainant. In the month of November, 2021, complaint was filed with the Police Authorities at Jagraon by the complainant. The matter was inquired and it was found that it was purely a civil dispute wherein the complainant claimed money due and the accused claimed that the feed was of inferior quality which has rather led to losses to the accused. The said complaint finally culminated in the inquiry report placed on record as Annexure P-5. Pursuant thereto, the proceedings were dropped finding it to be a dispute purely of civil nature. Thereafter on 14th of February, 2022, the petitioners filed consumer complaint claiming losses against the supplier of the goods i.e. the complainant. The said complaint is stated to be still pending. The present FIR came into existence on 15th of May, 2022 wherein it was alleged that the accused in discharge of his liability has issued cheques misrepresenting the same to be that of his brother whereas the cheques pertain to the account of one Vinod Kumar. Thus, counsel contends that in view of the fact that the petitioners have always denied their liability there was no occasion for the petitioners to hand over the cheques to the complainant.

Issue notice of motion returnable for 9th December, 2022.

Mr. Naveen Kundu, Advocate appears on behalf of the complainant and files his Power of Attorney today in Court, which is taken on record.

On the pointed question being asked to Mr. Kundu as to what was the date on the cheques? he submits that those cheques were undated but were handed-over to the complainant on 13th of May, 2022. While opposing the bail, he submits that it is not a simpliciter case of Sections 420, 120-B IPC but rather the petitioner-accused is guilty of having forged signatures on the cheques of a person w.r.t. whose identity now he feigns ignorance. He prays for time to file reply.

On asking of the Court, Mr. Sumit Jain, Addl. Advocate General, Haryana appears and accepts notice on behalf of the respondent-State.

Keeping in view the aforesaid facts and circumstances of the case, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Today, learned State counsel, on instructions from ASI Krishan Kumar, has stated that pursuant to the order dated 16.09.2022, the petitioners have joined investigation and are no longer required for custodial interrogation.

In view of above, the interim order dated 16.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

This petition stands disposed off.

Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No