

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-47910-2021 (O&M)

Date of Decision:- 14.3.2022

Manish Singh

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Virender Singh.

Mr. Amandeep Singh Sheoran, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 312 dated 20.10.2021 registered under Sections 420, 406, 506 and 34 of the Indian Penal Code, 1860 at Police Station Bawal, District Rewari.
2. At the time of issuance of notice of motion the following order was passed on 16.11.2021:

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.312 dated 20.10.2021 registered under Sections 420, 406, 506 and 34 of the Indian Penal Code, 1860 at Police Station Bawal, District Rewari.

Learned counsel for the petitioner submits that in the present case, the petitioner has taken a loan from the complainant and secured the said loan by giving blank cheques, which have now been filled up with the amount as desired by the complainant and a story has been concocted with regard to make out a criminal case though, the present case is covered under the Negotiable Instruments Act, 1881, which proceedings have already been initiated by the complainant and are pending consideration with the competent Court of law. Learned counsel for the petitioner further submits that as nothing is to be recovered from the petitioner and the petitioner is ready to join the investigation and cooperate with the same, he may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the other hand, submits that the petitioner is already facing another case with similar allegations wherein also, the complainant has alleged that the money was received by the petitioner on the pretext of providing job, hence, the custodial interrogation of the petitioner is necessary to elicit the truth behind the allegations.

Learned counsel for the petitioner submits that the petitioner has already mentioned the details of the said case in the petition itself and the petitioner is already on bail in the said case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the complainant has already invoked the jurisdiction of the competent Court of law under the Negotiable Instruments Act, 1881 and the proceedings are pending there and nothing is to be recovered from the petitioner as of now and the allegations with regard to the securing of money by the petitioner on the pretext of providing job are yet to be proved and the petitioner has undertaken before this Court that he will join the investigation and cooperate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 20.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed. ”

3. Learned State counsel has informed that pursuant to interim directions, the petitioner has joined investigation. It has however, been submitted that the amount in dispute has however, not been recovered. It has also been submitted that the petitioner stands involved in two other identical cases.
4. I have considered the aforesaid submissions.
5. Having regard to the nature of allegations and the fact that the petitioner has already joined investigation, it cannot be said that his custodial interrogation would be required in the present circumstances. The fact that the petitioner has not got the amount in question recovered cannot be said to be a valid argument for declining bail inasmuch as the question as to veracity of the allegations is yet to be established.
6. In view of the discussion made above, the petition is accepted and interim directions issued by this Court vide order dated 16.11.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and

cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No