In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 50805 of 2021
Date of Decision: 23.5.2022

Satbir Singh .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Jaivir S. Chandail, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Promila Nain, Advocate
for the complainant.

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SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.

2. In FIR bearing No. 329 of 29.7.2021, registered at Police Station Kurukshetra University, District Kurukshetra, offences constituted under Section 406, 420, 506 IPC, are embodied.

3. In pursuance to the lodging of the above FIR, co-accused Mandeep Kumar was arrested by the investigating officer concerned, and, hence lead him to institute bail application No. 227 of 2022 of 09.2.2022, before the learned Additional Sessions Judge, Kurukshetra. The above bail application was allowed, through an order made on 11.2.2022. The learned Additional Sessions Judge, Kurukshetra, while granting bail to one Mandeep, did so, on the basis of a statement made by the learned counsel for the complainant, that the latter has no objection if the above Mandeep, is

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enlarged on regular bail.

4. Be that as it may, since in the instant petition, exists a photocopy of the signatured statement, made by Mandeep Kumar, whereins he has accepted his liability to return the sums of money, as became received, from the aggrieved, and, also exculpates the role, in the petition FIR, of the present petitioner.

5. In view of the above, and, also when at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty.

6. Consequently, the instant petition is allowed, and, the order made by this Court on 06.12.2021, is made absolute on the same terms and conditions.

7. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

May 23, 2022
Gurpreet

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

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