

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51876-2021

Date of decision : 19.01.2022

Raushan Kumar and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Abhinav Gupta, Advocate
for the petitioners.

Mr.Manish Dadwal, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.37 dated 05.02.2018 registered under Sections 406, 420 IPC (Sections 467, 468, 471 and 120-B IPC added later on) at Police Station Ambala City, District Ambala.

On 13.12.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners, at the outset, submits that although all the Sections have been mentioned in the prayer clause of the present petition but on account of an inadvertent error, Sections 467, 468, 471, 120-B of the Indian Penal Code, 1860 have not been mentioned in the headnote and thus, prayed that the said Sections be also added and may kindly be read as part of the headnote of the petition as well.

On the oral request made by learned counsel for the petitioners, Sections 467, 468, 471, 120-B of the

Indian Penal Code, 1860 are ordered to be read into the headnote of the petition also.

Registry is directed to do the needful, accordingly.

Learned counsel for the petitioners inter alia contends that the petitioners are not arrayed as an accused in the FIR and have been sought to be implicated only on the basis of disclosure statement made by the coaccused namely Anup Kumar Verma on 01.03.2019, although the said Anup Kumar Verma was arrested on 18.02.2019. It has been argued that even as per the said disclosure statement, there are no allegations of entrustment of the amount in question to the petitioner and the said Anup Kumar Verma had named the petitioner on account of the dispute among the families of the petitioner and the said Anup Kumar Verma. It is further argued that as per the challan, mobile number 95340-71403, which was used in alluring the complainant in the alleged crime was found to be in the name of Rakesh Ranjan resident of Bihar and the Account No.37099446832, in which the entire amount was stated to have been deposited by the complainant, was found to be in the name of Abhishek resident of Khandwa, M.P. but in the challan, there is no reference with respect to the investigation which had been carried out qua the said two persons. It is also argued that the alleged website was prepared in Kerala and was used in Nalanda, Bihar and even on the said aspect, no investigation had been carried out. It has been contended that the petitioners have been falsely implicated in the present case and petitioner No.1 is B.A. Pass and is handicapped and as far as petitioner No.2 is concerned who is 10+2 pass, qua him, there is no allegations even as per the disclosure statement.

Notice of motion.

On asking of the Court, Mr. Manish Dadwal,

AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 19.01.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from SI Sanjay Kumar, has submitted that the petitioners have joined the investigation on 22.12.2021 and are not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 13.12.2021 and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 13.12.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

January 19, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No