

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

209

CRM-M-1183-2023 (O&M)

Date of decision: 12.04.2023

DHARAMPAL

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Tanuj Sharma, AAG Haryana

Mr. Rohit Mittal, Advocate for the complainant

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.6 dated 03.01.2023, under Sections 406, 420, 506, 120-B of the Indian Penal Code, 1860 registered at Police Station Sadar Narnaul District Mohindergarh.

On 25.01.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.06 dated 03.01.2023, registered under Sections 406, 420, 506, 120-B of IPC at Police Station Sadar, Narnaul, District Mohindergarh.

Learned counsel contends that the petitioner had also given an amount of Rs.3 lacs to co-accused Parshant with regard to employment of his son. It is on the complainant having asked the petitioner for helping him to also secure a job for himself that the petitioner had given the account number of co-accused Parshant to the complainant. It is his further submission that the during the interregnum, after lodging of the FIR, co-accused Parshant had transferred an amount of Rs.2 lacs in the account of the complainant and had handed over two post dated cheques dated 15.02.2023 and 20.03.2023 amounting to Rs.2 lacs each, which is the entire amount that the complainant has alleged to have been paid to Parshant. Even the petitioner had received Rs.3 lacs from co-accused Parshant. He further submits that the petitioner is not involved in any other case and he is ready and willing to join investigation as

and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Tanuj Sharma, AAG Haryana accepts notice on behalf of respondent-State and Mr. Rohit Mittal, Advocate appears on behalf of complainant.

Learned counsel for the complainant affirms the factum of having received Rs.2 lacs from co-accused Parshant in his bank account and also the two post dated cheques as stated by learned counsel for the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 31.01.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 20.02.2023.”

Learned counsel for the petitioner submits that in pursuance of order dated 25.01.2023 of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. The main accused Parshant has also paid an amount of Rs.6 lakhs to the complainant and the dispute stands settled. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned counsel appearing on behalf of the complainant affirms the aforesaid factum and has no objection if anticipatory bail is granted to the petitioner.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and

the order dated 25.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

April 12, 2023

S.Sharma(syr)

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