

(204) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2994-2022

Date of Decision:17.05.2023

Vikas Jindal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. G.S. Gurna, Advocate for the petitioner.

Mr. Gagandeep Singh Chinna, A.A.G. Haryana.

SANDEEP MOUDGIL, J. (Oral)

This petition under Section 438 Cr.P.C has been filed for grant of anticipatory bail to the petitioner in FIR No.307 dated 09.12.2021 registered under Sections 323, 436, 506 and 34 of IPC, 1860 registered at Police Station, Sector 53, District Gurugram.

As has been stated by the learned State counsel that the petitioner stands arrested on 05.04.2023, this petition does not survive any further and has become infructuous.

However, this Court, after having look at the conduct of the petitioner for making false statements issued show cause notice for committing criminal contempt and was called upon to submit reply within a period of four weeks from today.

A reply by way of affidavit has been filed before this Court by Vikas Jindal son of Shri Harish Jindal resident of House No.599, Sector-27, Gurugram, District Gurugram, Haryana, explaining the reason for giving wrong statement for handing over the mobile which reads as under:

“e. As far as statement of counsel for the petitioner at the Hon'ble High Court is concerned, it is submitted that the petitioner said her that he is going to handover the mobile phone to the Investigation Officer through his Representative and would submit the same, and because of this reason, the counsel for the petitioner might have stated before this Hon'ble Court that the petitioner has deposited/submitted his mobile phone and it is nothing but misunderstanding between the petitioner and his counsel.

f. When Investigation Officer neither joined in the petitioner in investigation nor paid any heed to the lawful and genuine request of the petitioner, then the petitioner finding no other option had reported this matter to the Commissioner of Police, Gurugram by filing a complaint.”

In this case, now the petitioner stands arrested as has been stated by the learned State counsel. Explanation given by the petitioner is satisfactory, therefore, a lenient view is taken on account of the fact that he is now in custody and has been put to custodial interrogation as well which has made the law to move further for reaching conclusion against the petitioner.

This Court is of the view that at this stage no useful purpose would be served except to accept the explanation by way of an affidavit of the petitioner.

Accordingly, rule is discharged in the aforesaid terms.

17.05.2023
rajeev

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No