

CRM-M-2896-2023 (O&M)
Date of decision: 11.05.2023

...PETITIONER

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sumit Sharma, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Sanjiv Kumar Aggarwal, Advocate and
Mr. Ojas Bansal, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

1. Status report by way of affidavit of Jeet Singh, HPS, Assistant Commissioner of Police, Kharkhoda/Crime, Sonipat on behalf of the respondent-State has been filed and the same is taken on record.
2. On 19.01.2023, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.469 dated 22.08.2022 under Section 306/34 IPC, registered at Police Station City Sonapat. Learned counsel for the petitioner contends that the FIR has been lodged by Pankaj Bhardwaj s/o Satish Kumar, deceased. The allegations are to the effect that about 4 years prior to the occurrence, the deceased had advanced a sum of Rs. 15 Lakhs to the petitioner and Sanjiv. The deceased had recorded a suicide note alleging the monetary dispute with the petitioner and other family members. There is no document to indicate transfer of any such amount. Even no effort has been made to enforce the recovery of the amount for a period of 4 years. Furthermore, the wife of the petitioner has lodged an FIR bearing No. 626 (sic.656) dated 21.08.2022 under Section 376, 506 IPC, registered at Police Station Bawana, District Outer North, Delhi against the deceased. Phool Singh, the father; Uma Devi, sister-in-law (jethani) and Sonia, the wife of the petitioner have been granted interim bail.

Notice of motion.

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Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

Mr. Sanjiv Kumar Aggarwal, Advocate has put in appearance on behalf of the complainant.

Adjourned to 11.05.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions issued by this Court and furthermore, Phool Singh, Uma Devi and Sonia co-accused have been granted anticipatory bail in terms of order dated 19.01.2023 passed in CRM-M-43188-2022 and CRM-M-1771-2023 respectively.

4. Learned State counsel has opposed the bail application on the score that though, the petitioner has joined the investigation but had been giving evasive replies to the queries put to him. Furthermore, the petitioner had refused to get the extracted money recovered.

5. Learned counsel for the complainant has also opposed the bail application on the score that the registration of false case under Section 376 and 506 IPC by the wife of the petitioner against the deceased forced him to commit suicide.

6. It may be mentioned here that the wife of the petitioner who registered the FIR No.656 dated 21.02.2022, under Sections 376/506 IPC, at Police Station Bawana, District Outer North, Delhi against the deceased has already been granted concession of anticipatory bail by this Court.

7. Status report submitted by respondent No.1 is indicative of the fact that vague plea has been raised only with an attempt to defeat the claim of the

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petitioner for anticipatory bail. It has been mentioned that the petitioner has joined the investigation on 15.03.2023 and he was formally arrested and released on bail on furnishing requisite bonds. When certain queries were put to him he had been giving evasive replies. It is significant to note that the detail of any such query pertaining to which the petitioner was giving evasive replies has not been specified. Even, the non-recovery of money cannot be termed to be circumstance to decline the bail. The amount was allegedly paid about 04 years prior to the occurrence and there is nothing to indicate that the deceased had made any effort to enforce the recovery of the amount. Even, the petitioner has not admitted the fact of advancing any amount to him by the deceased.

8. Keeping in view the fact that the entire circumstances appearing on record and the fact that the petitioner has joined the investigation in pursuance of interim directions issued by this Court, the order dated 19.01.2023, granting interim bail to the petitioner is made absolute.

9. The petition is allowed.

11.05.2023
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(VIVEK PURI)
JUDGE

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