

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

CRM-M-6650-2022

Date of decision: 22.11.2023

Manoj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Girotra, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

Mr. N.K. Chhokar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.206 dated 28.07.2021, under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Dujana, District Jhajjar.

(2) Allegations against the petitioner is that he embezzled Rs.1,80,000/- from the account of complainant with the connivance of the bank officials.

(3) This Court, on 17.02.2022, granted interim bail to the petitioner and which reads as under:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The petitioner has approached this Court for grant of pre-arrest bail in case FIR No. 206 dated 28.07.2021 under Section 34, 420, 467, 468, 471 IPC registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner inter alia contends that the incident in question pertains to the year,2015 and that the complainant who is a lawyer as well as carried the occupation of money lending has implicated the petitioner despite having received the amount in question earlier in point of time. It is further

submitted that the dispute at best is a money dispute and there is no participation of the petitioner with respect to forging of any documents.

Notice of motion.

Pursuant to the supply of an advance copy, Mr. Ashish Yadav, Addl. A.G., Haryana, has appeared and accepted notice on behalf of the respondent-State.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

(4) Contends that matter has been amicably settled between the parties.

Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel has raised no objection and submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Learned Counsel for the complainant on instructions also acknowledged that matter has been amicably settled between the parties.

(7) In view of above, interim order dated 17.02.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(10) It is made clear that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.

(11) Disposed off accordingly.

22.11.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>