

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-7752-2023

Date of Decision:25.09.2023

Vikash Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Ghumman, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.267 dated 09.09.2021 registered under Section 420 of the IPC (Sections 467, 471, 120-B of the IPC added later on) registered at Police Station Industrial Sector-7 Manesar, District Gurugram.

On 14.02.2023, following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No.267 dated 09.09.2021 under Section 420 IPC (Sections 467, 471, 120-B IPC added later on), registered at Police Station Industrial Sector 7 Manesar, District Gurugram.

Learned counsel for the petitioner contends that the complainant had opted for raising loan to the tune of Rs. 10 Lakhs from Sundaram Finance and Mundra Finance. As per the allegations, the petitioner had paid a sum of Rs. 4,24,953/- inter alia on account of process fee, endorsement, file charges, GST, NEFT, insurance charges etc. It sounds improbable that a sum to the tune of Rs. 4,24,953/- shall be paid by the complainant for the purpose of raising loan to the tune of Rs. 10 Lakhs. Moreover, the name of the petitioner has not been mentioned in the FIR. The amount has neither been transferred in the account of the petitioner by the complainant nor the complainant had parted with any amount at his instance. The

petitioner has been nominated in the disclosure statement of the co-accused namely Shany Kumar and Neeraj Kumar who have been granted regular bail by the Court of Sessions.

Notice of motion.

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

Adjourned to 18.05.2023.

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.”

Today statement is made by learned State counsel that though the petitioner has joined the investigation but has not been co-operating in the same.

At the same time, learned State counsel is unable to tell as to in what manner petitioner is not co-operating in the same.

In view of the aforesaid circumstances, and having regard to the factual position noticed earlier on 14.02.2023, the petition is allowed and the order dated 14.02.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

September 25, 2023
Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No