

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-10876-2023

Date of decision: 18.05.2023

Hari Narayan Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

Mr. Ajay Kumar Rana, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case n FIR No.21 dated 10.02.2023 for the offences under Sections 406, 420, 506 IPC registered at Police Station Uchana District Jind.

2. Vide order dated 02.03.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner while inviting the attention of this Court to the allegations levelled in the FIR contends that vague and false allegations have been levelled against the petitioner of having defrauded and lured the complainant into parting with a huge amount of money in the sum of Rs.12 lakhs on the pretext of procuring a government job for her grandson. Learned counsel submits that in fact it is a matter of record that prior to the registration of FIR in question, a civil suit for recovery had been filed against the son-in-law of the complainant on 25.01.2023 and it was, thus, evident that on account of the same, a false FIR in question had been

lodged against the petitioner. Learned counsel further submits that the petitioner is not involved in any other criminal case much less of similar nature.”

3. Learned counsel for the petitioner submits that in compliance of order dated 02.03.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. Learned counsel appearing for the complainant has, however, opposed the prayer by urging that no recovery of the amount paid by the complainant to the petitioner stands effected.

6. On a pointed query put to the learned counsel for the complainant as to whether the said amount had been paid through some negotiable instrument or by cash, he submits that it had been paid in cash.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In view of the above, the petition is allowed and interim order dated 02.03.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

18.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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