

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205/2

2023:PHHC:107019

CRM-M-11114-2020

Date of decision: August 18th, 2023

Abdul Karim Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shubham Pathania, Advocate
for Mr. Prateek Gupta, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.69 dated 16.02.2020 registered under Sections 120-B, 406, 420 and 506 of the IPC at Police Station City Tohana, District Fatehabad.

Mr. Gaurav Grover, Advocate, has filed power of attorney on behalf of the complainant, which is taken on record.

Vide order dated 17.03.2020, 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 contends that at the instance of the petitioner, FIR bearing No.178 dated 26.09.2019, under Section 420 was registered at Police Station, Pokhran, District Jaisalmer, Rajasthan against Mandeep, who had not paid the amount of sale consideration of the vehicle sold by the petitioner. It is

pointed out that the present FIR has been lodged by Mandeep against the petitioner as a counter-blast on the allegation that a sum of ₹ 25,00,000/- was paid by the complainant to four persons, including the petitioner for purchase of gold in the year 2018 and the gold was not delivered. He submits that the FIR has been belatedly lodged on false allegations and, therefore, custodial interrogation of the petitioner may not be necessary, who is ready to join the investigation.”

Learned counsel for the petitioner submits that in compliance of order dated 17.03.2020, the petitioner has joined investigation and cooperated with the investigating agency.

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.

In view of the above, the petition is allowed and interim order dated 17.03.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

August 18th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No