

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203-2

CRM-M-14402-2023

Date of decision: 18.05.2023

Vijay Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Kumar Lamdharia, 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 FIR No.0021 dated 10.02.2023 under Sections 406, 420 and 506 of the IPC registered at Police Station Uchana, District Jind.

2. Vide order dated 21.03.2023, 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 submits that similarly situated co-accused Hari Narayan Sharma has been extended the concession of interim bail by this Court vide order dated 02.03.2023 passed in CRM-M-10876-2023 (Annexure P-3). He submits that it was a matter of record that prior to the registration of the FIR in question a civil suit for recovery had been filed by co-accused against the son-in-law of the complainant on 23.01.2023 and since the petitioner was a friend and a close acquaintance of the co-accused, he had been arrayed as an accused in the FIR in question. It has also been submitted that the petitioner is ready and willing to join

investigation.”

3. Learned counsel for the petitioner submits that in compliance of order dated 21.03.2023, 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 stand 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 21.03.2023, 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