

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101 +201)

CRM-M-15526 of 2023
DATE OF DECISION:-26.05.2023

Ramesh Chander Kapur

...Petitioner

vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Abhishek Arora, Advocate, for the complainant.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.0007 dated 09.01.2023 under Sections 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sector 20, Panchkula.

(2) This Court, while issuing notice of motion on 27.03.2023, passed the following order:

“Learned counsel for the petitioner inter alia submits that the process of change of nomination was done on an oral request made by the owner. He further submits that the non-following of procedure can at best be a procedural defect which cannot give cause of action for filing of criminal prosecution. In addition, learned counsel for petitioner submits that the dispute in the present case primarily relates between the legal heirs of the deceased-owner of the flat in question about its succession. He also submits that the nomination has already been reversed in favour of the complainant.

Notice of motion for 26.05.2023.

At this stage, Mr. Abhishek Arora, Advocate puts in appearance on behalf of respondent No.2 and files his power of

attorney.

In the meanwhile, petitioner will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(3) Learned counsel for the petitioner states that in pursuance of order dated 27.03.2023 passed by this Court, the petitioner has already joined investigation.

(4) The above factual position is duly acknowledged by learned State counsel, on instructions from SI Rajpal, P.S. Sector 20, Panchkula, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

(5) In view of the above, the petition is allowed. Interim order dated 27.03.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

(6) Pending applications, if any, stand disposed of.

26.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No