

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-20782-2023

Date of decision: 08.08.2023

Sham Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

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.77 dated 01.04.2023 for the offences under Sections 406, 420, 506, 120-B IPC registered at Police Station City Pehowa, District Kurukshetra (Annexure P-1).

2. On 27.04.2023, learned counsel for the petitioner had made the following submissions:-

“Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, submits that allegedly the complainant’s son arrived in Russia on 09.09.2022 and thereafter, the petitioner took responsibility of sending him to Portugal. Learned counsel inter alia contends that in fact the petitioner had already moved to Portugal in March 2022 and thus, there was no question of he being present in Russia when son of the complainant arrived in September 2022. He further submits that even an amount of ` 14,50,000/- had been given by the complainant to coaccused Rahul and Rakesh and it was nowhere alleged that any amount out of the aforesaid was ever paid to the petitioner.”

3. On the last date of hearing i.e. 16.05.2023, learned State counsel had made the following submissions:-

“Learned State counsel, on instructions submits that there is a likelihood that the son of the complainant may have been arrested either by the Govt. of Russia or by the Govt. of Portugal. He submits that the authorities concerned are trying to make necessary and relevant inquiries from the concerned Governments.”

4. Learned counsel for the petitioner submits that in compliance of order dated 16.05.2023, 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. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 16.05.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

08.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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