

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-22501 of 2022(O&M)
Date of Decision: 04.05.2023****Ashok Kumar****...Petitioner****Versus****State of Haryana****...Respondent****CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH****Present:- Mr. Namit Khurana, Advocate
For the petitioner.****Mr. Naveen Kumar Sheoran, DAG Haryana.****Mr. Kamal Kant, Advocate
For the complainant.***********KARAMJIT SINGH, J.**

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 68 dated 24.04.2021, registered under Sections 406, 420, 506, 467, 468, 471 and 120-B IPC at Police Station Radaur, District Yamuna Nagar.
2. The allegations in nutshell are that complainant Kiran Kumari lodged complaint with the police that the accused persons, including the petitioner, took Rs.19, 42,000/- from her on the pretext of providing job to her in Indian Railways but thereafter nothing was done and even the aforesaid amount was not returned by them to the complainant.
3. The counsel for the petitioner submits that the father of the petitioner was arrested by the police and thereafter released on regular bail. The counsel for the petitioner further submits that the main allegations are against Swati, sister of the petitioner and her husband Manish Kumar. The

counsel for the petitioner further submits that Swati was disowned by her father in 2014 when she got married with Manish. The counsel for the petitioner further submits that the petitioner is not knowing the whereabouts of Swati and Manish Kumar and there is no allegation that complainant deposited certain amount in the bank account of the petitioner. The counsel for the petitioner further submits that otherwise also no document is available to show that the disputed amount was ever given by the complainant to the petitioner. The counsel for the petitioner further submits that the petitioner has joined the investigation with the police.

4. The present petition is contested by the State counsel and counsel for the complainant, who submit that the petitioner and other members of his family defrauded the complainant by taking approximately Rs.20,00,000/- by giving assurance of providing job in Indian Railways to the complainant. However, the State counsel on instructions from SI Rampal Singh has not disputed the fact that the petitioner has joined the investigation and that no amount was deposited by the complainant in the bank account of the petitioner.

5. I have considered the submissions made by counsel for the parties.

6. As per the written reply filed by way of affidavit of Rajat Gulia, Deputy Superintendent of Police, Radaur, Yamuna Nagar filed on behalf of the State, it is clear that no amount has been deposited in the bank account of the petitioner at the behest of the complainant. Further, the petitioner has joined the investigation and his father was arrested by the police during the investigation of the case. In the given circumstances, no purpose is going to

be served by subjecting the petitioner to custodial interrogation at this point of time.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and interim order dated 30.08.2022 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

04.05.2023
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(KARAMJIT SINGH)
JUDGE

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