

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Sr. No.215(2)

CRM-M No. 24303 of 2022

Date of decision : 19.05.2023

Tapan Kumar

.....Petitioner

*Versus*

State of Haryana and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present : Mr. Ankit Aggarwal, Advocate for  
Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Jashanpreet Singh, Advocate for respondent No.2.

\* \* \*

**DEEPAK SIBAL, J. (Oral)**

(1) The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 117 dated 22.04.2022 registered under Sections 406, 420, 506 and 34 IPC and Sections 10 and 24 of the Immigration Act at Police Station City Pehowa, District Kurukshetra.

(2) On 02.06.2022, this Court had passed the following order : -

*“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for anticipatory bail to the petitioner in case bearing FIR No. 117 dated 22.04.2022 registered under Sections 406, 420, 506 read with Section 34 of the Indian Penal Code, 1860 and under Section 10, 24 of the Immigration Act, Police Station City Pehowa, Kurukshetra (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that son of the complainant-respondent was sent abroad by co-accused Madan Lal who has already been granted concession of interim bail. He further contends that Pardeep Kumar had actually reached Italy and that he went missing thereafter. It is contended that petitioner has no role in the son of the complainant having gone missing. In any case, it is submitted that the dispute pertains to payment of Rs. 13 lacs that was advanced by the respondent No.2 for sending his son abroad and that the balance amount of Rs. 3 lacs shall be returned to the complainant within a period of four days of the receipt of this order. It is further contended that the petitioner is ready and willing to join investigation and would be willing to share any information that he has with regard to the whereabouts of Pardeep Kumar with the Investigating Agency. He further contends that the petitioner does not have any criminal antecedents and is not involved in any other case.*

*Notice of motion.*

*Mr. Ashish Yadav, Additional A.G. Haryana appears and accepts notice on behalf of the respondent/State.*

*In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer **subject to the payment of Rs.3 lacs to the complainant** and on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. List on 18.08.2022, for further consideration.”*

(3) Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and in terms of the afore quoted order has paid Rs.3 lakhs to the complainant as also that his custodial interrogation is not required by the State.

(4) After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 02.06.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

**19.05.2023**

*sunil yadav*

**( DEEPAK SIBAL )**  
**JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No