

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29026 of 2023
Date of decision: 25th August, 2023

Pritam Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yadvinder S. Turka, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in FIR No.0295 dated 06.10.2022 for the offences under Sections 406/420 IPC registered at Police Station Saha, District Ambala (Annexure P-1).

2. On the last date of hearing, i.e. 02.06.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel inter alia contends that it was a matter of record that a civil dispute was pending between the parties and for reasons but obvious, the complainant with an oblique motive was trying to give the civil dispute a criminal complexion. He submits that in fact the

complainant had taken a loan of ₹ 10.00 lacs for the marriage of his daughter from one Lalit Vikram, a close associate of the complainant, in the year 2018 and certain papers were got signed from the petitioner by the latter, as security for the amount taken. However, later on, by misusing the blank papers, alleged agreement to sell had been prepared by the complainant in collusion with Lalit Vikram.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 02.06.2023, 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, however, she submits that the petitioner has not fully cooperated with the investigating agency as he had obtained a loan of ₹ 10.00 lacs which has not yet been returned. She, on further instructions submits that other than for the above recovery, the petitioner was not required for further investigation or for his custodial interrogation.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Undoubtedly, in case the accused fails to cooperate with the investigating agency, an adverse inference can be drawn against him, however, mere non-recovery of some money, like for instance, the alleged loan of ₹ 10.00 lacs in the instant case, cannot be deemed to be non-cooperation with the investigating agency.

7. In the circumstances, the petition is allowed and the interim order dated 02.06.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

August 25, 2023

rps

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