

S. No.218

2023:PHHC:130762

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37336 of 2023

Date of Decision:09.10.2023

Ram Niwas

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Himanshu Arora, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Manu Sachdeva, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

On 02.08.2023, the following order was passed by this Court:-

“By way of this petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.104 dated 16.02.2023 registered under Section 420 IPC and 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (Haryana Act No.32 of 2014) at Police Station Bhiwani Sadar, District Bhiwani.

Allegations are that the petitioner and others allured the complainant to invest an amount of ₹1,22,00,000/- in their business. It is alleged that petitioner had taken ₹20 lakhs.

Contention of learned counsel is that there is no proof regarding giving of ₹20 lakhs to the petitioner; that petitioner has already been given the anticipatory bail in similar case; that it is a civil liability which has been given the criminal colour even if the allegations are taken to be true on its face value.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State. Mr. Abhimanyu Singh, Advocate appears for the complainant and filed his vakalatnama.

Adjourned to 05.10.2023, for filing reply.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. ”

Status report by way of affidavit of Shri Ramesh Kumar, HPS, Deputy Superintendent of Police, H.Q. Bhiwani, Haryana has been filed on behalf of the respondent- State.

As per statement made by learned State Counsel, petitioner has since joined the investigation.

Apart from above, learned counsel for the petitioner has placed on record copy of order dated 21.09.2023 passed in CRM-M-47640 of 2023 and another order dated 06.09.2023 passed in CRM-M-36404 of 2023 so as to contend that in other FIRs containing the similar allegations, the petitioner has been allowed the benefit of anticipatory bail.

In view of the fact that petitioner has already joined the investigation and his custodial interrogation is not required further, but without commenting anything on the merits of the case, order dated 02.08.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as

and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

October 09, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No