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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M - 38179-2023

Date of decision: 11.08.2023

*Rajiv Aggarwal**.....Petitioner**Versus**State of Haryana**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

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Present: Mr. R S Mamli, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 0017 dated 28.04.2023, registered under Sections 419 and 420 of the Indian Penal Code, at Police Station Cyber, District Jind (Annexure P-1).

It is submitted by counsel for the petitioner that case against the petitioner is totally false, frivolous and concocted. The petitioner is not involved in the crime as alleged against him. There is no material to support the allegations that the petitioner had received money from co-accused Gaurav Kumar. However, in any case, to save his reputation, the petitioner has brought a demand draft bearing No. 343572, issued by the Canara Bank, New Delhi, for a sum of Rs.5,00,000/- in the name of the complainant for clearing the alleged loan amount and is ready to hand over the same to the complainant, subject to his right before the trial Court. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Randhir Singh, Additional Advocate General Haryana

accepts the notice on behalf of the respondent - State. Mr. Abhimanyu Batra, Advocate accepts notice on behalf of the complainant.

Counsel for the State being assisted by counsel for the complainant has submitted that the petitioner is directly involved in the crime. He has fabricated the documents and on the basis thereof, secured a loan in the name of the complainant. Therefore, the complainant has been put to unnecessarily burden of the loan amount. Hence, the petitioner does not deserve any concession of anticipatory bail.

Counsel for the complainant has submitted that since the complainant has been put to unnecessary liability, he has no objection in releasing the petitioner on anticipatory bail if the petitioner pays the loan amount to him, so that he can clear the outstanding loan amount against his name in the Bank.

As response to this, counsel for the petitioner has handed over the aforesaid demand draft to the counsel for the complainant in Court today, itself.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

August 11, 2023

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	Whether reportable	:	Yes/No