

203/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43188-2022 (O&M)

Date of Decision: 19.01.2023

PHOOL SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Satbir Rathore, Advocate for the petitioners.
Mr. Ranvir Singh Arya, Addl. AG Haryana.
Mr. Sanjiv Kumar Aggarwal, Advocate with
Mr. Tejas Bansal and Ojas Banasal, Advocates
for the complainant.

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VIVEK PURI, J. (ORAL)

Petitioners are seeking anticipatory bail in case bearing FIR
No.469 dated 22.08.2022 under Section 306/34 IPC, registered at Police
Station City Sonapat.

Status report by way of affidavit of Virender Singh, Assistant
Commissioner of Police, City Sonapat on behalf of the State has been taken
on record.

On 21.10.2022, following order was passed:

“Status-report filed on behalf of the respondent-State
(by way of the affidavit of the Deputy Superintendent of
Police, City, Sonipat), along-with Annexure R-1 and the
vernacular version thereof, has been submitted in the Court
today and these documents are taken on the record.

However, learned State counsel seeks an adjournment
for filing an additional affidavit of the Police Officer
concerned containing better details of certain factual aspects
of the present matter.

Adjourned to 12.01.2023.

Meanwhile, in the event of their arrest, the petitioners
shall be released on interim bail subject to their furnishing the
requisite personal and surety bonds to the satisfaction of the
Arresting/Investigating Officer.

However, the petitioners shall join in the investigation

as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C. ”

Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioners have joined the investigation. Furthermore, the dispute between the petitioners and the deceased was with regard to the transaction of 15 Lakhs which is not supported by any document. Even for a period of 4 years, no effort has been made by the deceased to enforce the recovery of the amount.

Learned State counsel, on instructions from SI Bijender, has submitted that the petitioners have joined the investigation.

Learned counsel for the complainant has opposed the bail application on the score that there is an entry in the ledger of the deceased with regard to the advancing of the amount of Rs. 15 Lakhs to the petitioners and his relatives.

Be that as it may, the alleged monetary transaction took place about 4 years ago and there is nothing to indicate that the deceased had made any effort to enforce the recovery of the amount. The petitioners have joined the investigation in pursuance of the interim directions.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 21.10.2022 is made absolute.

19.01.2023

Janki

(VIVEK PURI)
JUDGE

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