

CRM-M-46374-2023 (O&M)

1

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46374-2023 (O&M)

Date of Decision: 04.12.2023

KAPIL GOYAL

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 177 dated 22.05.2020 under Sections 379 and 420 of Indian Penal Code at Police Station Civil Lines Karnal, District Karnal.

2. On 15.09.2023, following order was passed:

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.177 dated 22.05.2020, registered under Sections 379 and 420 IPC at Police Station Civil Lines Karnal, District Karnal.

Learned counsel contends that complainant is the brother-in-law of the petitioner. There is a delay of one month in lodging the FIR. He has been falsely implicated in this case on account of the dispute with regard to property as the petitioner had initially executed the power of attorney in favour of his sister. The amount of Rs.60,000/- was transferred by the complainant himself. The FIR has been lodged in the year 2020. The complainant is now pressurising the police to arrest the petitioner to usurp the property. He is not involved in any other case and ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Mr. Jagdish Manchanda, Addl. AG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 23.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 14.11.2023.”

3. Mr. Vinod Gupta, Advocate has put in appearance on complainant, filed Vakalatnama and the same is taken on record. Registry is directed to tag the same at the appropriate place.

4. Learned counsel for the complainant opposes the grant of bail to the petitioner on the ground that petitioner is threatening the complainant and there is every apprehension that the petitioner would influence the witnesses. State counsel also opposes the grant of bail to the petitioner on the ground that petitioner is not co-operating with the Investigating Agency, however, the State counsel admits that the petitioner has joined the investigation in compliance of the order dated 15.09.2023 passed by this Court.

5. Having heard the learned counsel for the parties and perusing the record, it transpires that the offences on the basis of which the present FIR has been registered provide punishment for a maximum period upto 07

years.

6. In view of the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137**; **Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565**, **Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273** and **Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, and that the maximum punishment in the instant case is upto 07 years, this Court is of the opinion that sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner.

7. Accordingly, the order dated 15.09.2023, is made absolute subject to conditions as provided under Section 438 (2) Cr.P.C.

8. The petition is accordingly allowed.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

04.12.2023

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No