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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M - 47640-2023

Date of decision: 21.09.2023

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

Present: Mr. Himanshu Arora, 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. 103 dated 16.02.2023, registered under Section 420 of the Indian Penal Code and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 (Haryana Act No. 32 of 2014) (Sections 120-B, 180 and 201 IPC added later on), at Police Station Bhiwani Sadar District Bhiwani (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has surfaced only through disclosure statements of the co-accused, namely, Ishwar and Sandeep. However, despite the said persons having been taken into custody, the police have not been able to find out any material to suggest connection of the petitioner to the crime as alleged against him. In fact, the FIR has been got registered as a counter-blast because earlier the brother of the petitioner had committed suicide, and for that incident, the allegations were levelled against Ankit, Ishwar and

Ishwant. Therefore, to get involved the petitioner in the crime, these persons has named the petitioner. Otherwise, the petitioner does not have any connection with the said persons. The petitioner shall join the investigation as and when called by the police. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General Haryana accepts the notice on behalf of the respondent - State.

Counsel for the State has submitted that the name of the petitioner has duly surfaced in the crime in the disclosure statements of the co-accused, namely, Ankit, Ishwar and Ishwant. One of the said co-accused namely, Ankit has been found to have received money from the complainant through the bank transactions. However, it is not disputed that the complainant had not specifically named the petitioner as the accused in the case. It is also not disputed that earlier brother of the petitioner had committed suicide, and for that incident, the above said persons namely, Ankit, Ishwar and Ishwant were put to blame.

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/surety bonds 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

21.09.2023

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No