

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57211-2022

Date of Decision: 07.12.2023

HUKAM CHAND AND ANR

...Petitioners

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.D. Yadav, Advocate for the petitioners.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Varun Chawla, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No. 128 dated 31.03.2018 under Sections 420, 467, 468, 471, 120-B and 201 IPC registered at Police Station Dharuhera, District Rewari, Haryana.

2. Vide order dated 16.01.2023, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Mr. Varun Chawla, Advocate appears and files Memorandum of Appearance on behalf of respondent No.2-Bank in Court today, which is taken on record, subject to all just exceptions.

Pursuant to order dated 10.01.2023, learned counsel for the petitioners has brought a demand draft bearing No.147677, amounting to Rs.50,000/- (Rupees Fifty Thousand Only), drawn on State Bank of India, in favour of respondent No.2, in Court today; photocopy of which is taken on record, subject to all just exceptions.

Learned counsel for the petitioners submits that the petitioners are ready and willing to settle the dispute with respondent No.2-Bank. It is further stated that other co-accused, namely Jafaru Deen Khan and Mohammad Habib Khan, have already been granted bail by the Additional Sessions Judge, Rewari, vide orders dated 23.05.2022 and 18.07.2022, respectively; copies thereof supplied in Court today.

The aforesaid fact of grant of bail to the co-accused by the Additional Sessions Judge, Rewari, has also not been disputed by learned State counsel. ”

3. The parties vide order dated 11.04.2023 had been referred to the Mediation and Conciliation Centre of this Court, however, as per report received from the Forum, the parties were unable to amicably settle their dispute.

4. Learned counsel for the petitioners submits that in compliance of order dated 16.01.2023, the petitioners have joined investigation and cooperated with the investigating agency.

5. Learned State counsel on instructions from SI Pritam Singh does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He on submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 16.01.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
(JUDGE)

07.12.2023

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