

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204-1

CRM-M-4273-2024
Date of decision: 29.04.2024

ANKIT AND OTHERS

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. N.C. Manchanda, Advocate
for the petitioners.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 01.02.2024, the following order was passed:-

“CRM-4724-2024

1. As prayed for, the instant application is allowed. The affidavit sworn by petitioner No.1- Ankit Bansal is taken on record as Annexure A-1.

CRM-M-4273-2024

2. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners have sought the concession of anticipatory bail, in case FIR No.378 dated 08.12.2023, under Sections 406 and 420 of the IPC, registered at P.S. Dadri City, District Charkhi Dadri.
3. The gist of the prosecution case, as embedded in paragraph No.2 of the order dated 08.01.2024, whereby, the learned Additional Sessions Judge, Charkhi Dadri dismissed the pre-arrest bail application of the petitioners, is extracted hereinafter:-

“2. Prosecution case is that on 07.12.2023 numerous resident of Village Jhinjhar, Tehsil & District Charkhi-Dadri moved a complaint through one Sukrampal of the village alleging criminal breach of trust and cheating committed with entire village

community by a business family belonging to said village and presently settled at Grain Market, Ward No.8, Charkhi-Dadri, where they were having their common business of Commission-Agent regarding Sale & Purchase of food-grains & other connected items, which they were allegedly doing for last more than 30 years and have thereby generated a faith amongst masses in general and the victims in particular. Villagers of their native place keep on depositing with them crops after harvesting and all other savings as a safe deposit. Thus, all the twelve accused persons belonging to the same family were acting as private bank/financier and cash dealings were being carried out without any proper documentations. When accused persons collected money in crores (Rs.12,73,16,900/- have already been reported as embezzled and yet lot of victims have to count & report), all of sudden entire family with all their belongings disappeared by vacating their premises secretly. Keeping in view the gravity of the matter, case is being investigated by Economic Offences Wing, Charkhi-Dadri.”

4. The learned counsel for the petitioners has argued that despite the petitioners having no concern or connection either with the alleged crime or with the business dealings of the main accused, who have already been arrested, yet they have falsely been implicated in the present FIR, whereas, no specific allegation has been levelled against them. To lend vigour to this argument, he has drawn attention of this Court towards Annexure A-1, which is an affidavit sworn by the petitioner No.1, wherein, it is averred that the petitioner No.1 was earlier doing the business of mustard oil, however the same has been sold off owing to loss, whereas, petitioner No.2 is a Dentist and studying for his masters degree, and, petitioner No.3 is also a student, who is preparing for examination of Chartered Accountant. In fact, just to aggravate the alleged offence(s), the entire family of the petitioners has been entangled in the present FIR.

5. Notice of motion for 04.04.2024.

6. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf

of respondent-State of Haryana

7. In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him from the official respondent, submits that the petitioners have already joined the investigation and they are fully co-operating with the investigation process and they are not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 01.02.2024 is, hereby, made absolute subject to the condition that the petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

29.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No