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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9562-2024 (O&M)
Date of decision: 20.03.2024

Kamal Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Jindal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Lupil Gupta, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.771 dated 29.12.2023 under Sections 406 & 420 of IPC, registered at Police Station City Dabwali (Annexure P-1).

On 23.02.2024, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.771 dated 29.12.2023 under Sections 406/420 of IPC registered at Police Station City Dabwali (Annexure P-1).

In view of the resolution passed by the Punjab and

Haryana High Court Bar Association, there is no representation on behalf of the petitioner.

*A perusal of the pleadings indicates that the present FIR was lodged on the allegations that the petitioner has received Rs.2.50 lacs from the complainant on the pretext of providing his son a job. It is further pleaded that the petitioner was having friendly relations with the son of the complainant and he has taken a friendly loan from him. The present dispute is purely civil in nature which has been given a tinge of criminality. Moreover, the maximum sentence provided for the offences alleged to be committed in the present FIR is up to seven years and no notice under Section 41-A of Cr.P.C. has been served upon the petitioner. As such, in view of the ratio of law culled out in the judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, the petitioner is entitled for bail.*

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Copy supplied.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the*

conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.03.2024.

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.”

Learned State counsel, on instructions from ASI Ajit Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant has, however, vehemently opposes the prayer for grant of anticipatory bail to the petitioner.

In view of the statement of learned State counsel, order dated 23.02.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

20.03.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No