

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-15892-2024

Date of decision: 24.04.2024

MONU YADAV

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 02.04.2024, the following order was passed:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks grant of pre-arrest bail, in case FIR No.785 dated 06.10.2023, under Sections 364-A/386/506/34 of the IPC, 1860, and, Section 25 of the Arms Act, 1959, registered at P.S. City Hansi, District Hisar.

2. Succinctly stated, the allegations, as embodied in the present FIR are that, the petitioner and his co-accused kidnapped the complainant at gunpoint, gave him beatings and also withdrew an amount of Rs.1,00,000/- from his credit card. Thereafter, the complainant was released by them, however, with a threat to supply them a ransom of Rs.4,00,000/- by next evening.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case owing to a monetary dispute, inasmuch as, the petitioner had lent an amount of Rs.1,85,000/- to the complainant through online transactions and when he demanded his money, the complainant got lodged the

present FIR, by cooking up a false story, just to avoid his liability. To substantiate his argument qua lending of money to the complainant, he has drawn attention of this Court towards Annexure P-1, which contains the account statement of petitioner's wife, and wherein, the monetary transactions inter se the petitioner's wife and the complainant are apparent.

4. The learned counsel for the petitioner has further submitted that the story of kidnapping, as cooked up by the complainant, gets falsified from the factum that, petitioner's co-accused- Anoop Kumar and Gulshan were arrested during investigation and upon their interrogation, it was found that no gun was used in the alleged crime.

5. Notice of motion for 24.04.2024.

6. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

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

2. Learned State counsel on instructions, imparted to him by ASI Shiv Prakash, submits that though the petitioner has joined the investigation, but is not co-operating with the Investigating Officer, as he has failed to recover the disputed amount, which is alleged to have been snatched by the petitioner from the complainant.

3. Learned counsel for the petitioner submits that this is the sole dispute, as according to the petitioner, no such incident has occurred, and no money has been snatched by the petitioner.

4. The issue of recovery of amount cannot be adjudicated, while

deciding the case of pre-arrest bail, which is yet to be established by the prosecution during the trial. Therefore, the order dated 02.04.2024, is hereby made absolute, subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

24.04.2024
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(KULDEEP TIWARI)
JUDGE

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