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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17892-2023(O&M)

Date of Decision: 30.07.2024

Mahesh Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Dr. Pankaj Nanhera, Advocate, for the petitioner.
Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.
Mr. Balvinder Sangwan, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. While issuing notice of motion on 13.04.2023, the following order was passed:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 197 dated 24.03.2023 registered under Sections 4 and 76 of Chit Funds Act 1982 and Sections 420, 506 and 120-B of the Indian Penal Code at Police Station Kotwali, District Faridabad.

Allegations against the petitioner is that he along with co-accused lured and cheated the complainant and his friend, Kuldeep Singh @ Bobby to give Rs. 34,62,000/- to the accused for investment in fake chit fund and the said money was never returned to the complainant or his friend.

Learned counsel for the petitioner contends that there is an unexplained delay of 5 to 6 years in registration of the FIR as the alleged incident is of the year 2017-2018 and FIR has been registered in the year 2023. Learned counsel further submits that petitioner is ready to join the investigation.”



2. Learned counsel for the petitioner has reiterated the above submissions during the course of arguments.
3. On the other hand, learned State counsel has submitted that even though the petitioner has joined the investigation, but the amount of Rs. 34,62,000/- is yet to be recovered from the present petitioner.
4. Even learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he does not deserve the concession of bail by this Court.
5. I have heard learned counsel for the parties and perused the record.
6. It is not in dispute that in compliance of various interim orders passed by this Court, the petitioner has already joined the investigation several times and there is no material on record to show that the petitioner has misused the concession of interim bail. Moreover, the issue regarding payment of Rs.34,62,000/- by the complainant to the petitioner is yet to be adjudicated by the trial Court, only during the course of trial.
7. Without commenting on the merits of the case, the present petition is allowed and the interim order dated 13.04.2023, passed by a Co-ordinate Bench of this Court is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.
8. Pending application, if any, stands disposed of.

(N.S.SHEKHAWAT)
JUDGE

30.07.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No