

2024:PHHC:100988



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

208

CRM-M-18475-2024 (O&M)
Date of decision: 06.08.2024

Girish Dhingra ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. CRM-17429-2024

Allowed as prayed for.

Copy of affidavit dated 13.04.2024 is taken on record as
Annexure P-3.

2. CRM-M-18475-2024 (O&M)

Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.341 dated 16.08.2023, registered under Sections 420, 406, 120-B of IPC and Section 3 of Haryana Protection of Interest of Depositors in financial Establishment Act, 2013 (Haryana Act No.32 of 2014) at Police Station Ladwa, District Kurukshetra.

3. Vide order dated 01.05.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 01.05.2024, passed by this Court, reads as under:

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“...Learned counsel for the petitioner submits that the coaccused/Gourav Dhingra@Gaurav Dhingra has already been granted the concession of anticipatory bail and more so, the complainant has executed an affidavit Annexure P-3 in which he has submitted that the matter has been resolved.

Notice of motion.

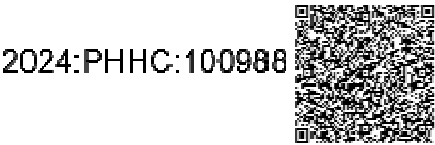
Mr. Brijesh Sharma, AAG, Haryana, accepts notice on behalf of the State.

It is strange that purely civil disputes and financial matters without there being any intent/knowledge of cheating etc. are lodged at the behest of the complainant and thereafter, they settle the matter by taking huge amounts which, in fact, amounts to the abuse of the process of law. In such cases, the State must take appropriate action against the complainant for withdrawing from the complaint and look into the aspect of malicious prosecution at the behest of the complainant. At the same time, the authorities also need to introspect as to what prompted them to lodge the FIR when the ingredients of Section 415 IPC were not made out apparently in the present case and the police authorities cannot be made as recovery agents.

In view of the above, the State is directed to file its response to the above aspect on or before the next date of hearing.

Without commenting on the merits of the case, the petitioner is directed to join investigation on 13.05.2024 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to



the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 30.05.2024.

However, it is made clear that this order shall not be construed as parity qua any other co-accused.”

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 12.05.2024 and he is not required for custodial interrogation.
5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 01.05.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

06.08.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No