

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29164-2024
Date of decision: 17.07.2024

RAKESH KUMARPETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Ketan Chopra, Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-2) as under:

FIR No.	Dated	Sections	Police Station
688	15.12.2023	420, 467, 468, 471 and 120-B of IPC	Pinjore, District Panchkula

2. Learned counsel for the petitioner submits that in compliance to the order dated 03.06.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 03.06.2024.
3. Learned State counsel, on instructions from ASI Vikarmjit Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.
4. During the course of hearing on 03.06.2024, following order was passed:



“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.688, dated 15.12.2023, under Sections 420, 467, 468, 471 and 120-B of IPC, at Police Station Pinjore, District Panchkula.

Learned counsel for the petitioner submits that the entire story narrated in the FIR is false and fabricated and purely civil case has been given a criminal colour for the reason that the complaint belongs to a Haryana Police. He further submits that the wife of the complainant had earlier given a complaint in which it was duly recorded that the matter is civil in nature.

Learned counsel for the petitioner further submits that it is a monetary dispute and, hence, the petitioner should be granted the concession of anticipatory bail.

Notice of motion.

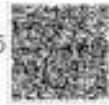
Mr. Neeraj Sheoran, DAG, Haryana, accepts notice on behalf of the State and has vehemently opposed the grant of concession of anticipatory bail to the petitioner for the reason that it is apparent from the contents of the FIR that the petitioner had the mens rea to defraud the complainant from the very beginning as he already knew the status of the property, which he was selling. Though apparently looks a civil disputes but the petitioner is a property dealer and very well knew that the property was not free from encumbrances from HUDA and had concealed the fact that the huge amount of Rs.53 lacs was pending against the said property.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit a sum of Rs.5 lacs to demonstrate his bona fide, which will secure the interest of the complainant, hence, he be granted the concession of anticipatory bail and his life and liberty be protected. He also submits that the said amount be kept in the shape of FDR to ensure that he shall neither misuse the concession granted nor procrastinate the trial.

Without commenting on the merits of the case, the petitioner is directed to join investigation on 11.06.2024 at 10:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter. The petitioner shall deposit Demand Draft of Rs.2.50 lacs on the date of joining the investigation and remaining an amount of Rs.2.50 lacs shall be deposited within 03 weeks thereafter with the Investigating officer, who shall deposit the same with the trial Court.

In case, the petitioner is found tampering with the evidence or create any pressure on the complainant, the State and the complainant are at liberty to move an appropriate application for cancellation of the bail granted to the petitioner.

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 17.07.2024.

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

In case the petitioner is found guilty, the amount of FDR along with interest shall be adjusted towards the fine to be imposed (if any) and in case the petitioner is acquitted the said amount shall be returned to the petitioner without interest. ”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 03.06.2024 passed by this Court, interim bail granted vide order dated 03.06.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

17.07.2024

Syr (S.Sharma)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |