



CRM-M-31504-2023

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision : September 02, 2024

RAMESH KUMAR SINGLA AND ANR

-PETITIONERS

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., prayer is made for grant of anticipatory bail to the petitioners, in case FIR No.319 dated 04.06.2023, under Sections 406/420/120-B of the IPC, registered at P.S. Adampur, District Hisar.
2. On 09.08.2023, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“Status report by way of an affidavit of Kaptan Singh, HPS, Deputy Superintendent of Police, Law & Order, Hisar, on behalf of respondent-State has been filed in the Registry, which is taken on record. A copy thereof furnished to learned counsel for the petitioners, who seeks time to go through the same.

Learned State counsel submits that notice under Section 41-A Cr.P.C. could not be served upon petitioner Nos.1 and 3 as the house is locked and they are absconding.

Learned counsel for the petitioners refutes the aforesaid claim and submits that petitioners No.1 and 3 are ready to join investigation.

Adjourned to 12.10.2023.

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In the meantime, petitioner Nos.1 and 3 are directed to join investigation on 17.08.2023 and 22.08.2023. In the event of arrest, they shall be admitted to interim bail on their furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. Petitioner Nos.1 and 3 shall abide by the conditions specified in Section 438(2) Cr.P.C.

It is, however, made clear that after petitioner Nos.1 and 3 join investigation, in case any incriminating material comes against them, respondent-State will be at liberty to file appropriate application seeking custody of said petitioners in case the same is needed.”

3. Although the petitioners had, in deference to the order extracted hereinabove, joined the investigation, but, the learned State counsel informed that they did not cooperate with the investigating officer, inasmuch as, they did not get the money recovered. Thereafter, the petitioners again joined the investigation, as directed by a Co-ordinate Bench of this Court vide order dated 16.01.2024. The stand of the prosecution regarding joining of investigation by the petitioners is apparent from the hereinafter extracted paragraph No.11 of the status report dated 15.03.2024, as became furnished on affidavit of Sajjan Kumar, HPS, Deputy Superintendent of Police, Law & Order, Hisar.

“11. That during the hearing of the case on dated 16.01.2024 this Hon'ble High Court directed the Petitioner No. 1 and 3 to join further investigation with the police on 07.02.2024 and 28.02.2024. That in compliance of order dated 16.01.2024, the petitioner No. 1 and 3 were joined the investigation on 07.02.2024 and interrogation was conducted. After that the petitioner No. 1 and 3 were again joined investigation on 27.02.2024 and interrogated and their disclosure statements were recorded.”

4. Furthermore, in paragraph No.13 of the status report (supra), which is also reproduced hereunder, it has been mentioned that, in order to recover documents regarding sale and purchase of crops of farmers, farmers'

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accounts, bank accounts, pass books, ATMs, cheques and the amount grabbed by them, custodial interrogation of the petitioners is still required.

“13. That as far as the role of the petitioners/accused, it is submitted that the petitioners/accused have committed fraud of about Rs Three Crores as they did not pay the farmers their share of money. That the petitioners/accused being the commission agents have usurped about Rs Three Crores of the farmers. That the recovery is to be affected from the petitioners/accused and for the sake of proper investigation, custodial interrogation of the accused is required. That the custody of the petitioners No.1 & 3 is required for recovery of documents regarding sale and purchase of crops of farmers, farmers accounts, bank accounts, pass books, ATMs, cheques and the amount which was grabbed by them in collusion with each other. That there is every reasonable apprehension that the petitioners/accused being released on Anticipatory bail will misuse the same and may abscond from the trial.”

5. Faced with the above situation, the learned counsel for the petitioners submits that the petitioners possess only a few cheques of some of the farmers, and, subject to outcome of the trial of the present FIR, they are ready to deposit the said cheques with the investigating officer concerned, within 15 days from today. He further submits that the petitioners do not have any intention to misuse any cheque book, ATMs, passbooks etc. pertaining to the farmers, who are stated to be victims in the present FIR.

6. Insofar as recovery of money is concerned, since one of the issues raised by the petitioners is regarding rendition of accounts, which is also a relevant issue, therefore, the mere non-recovery of money would not disentitle the petitioners to claim the relief of anticipatory bail. Consequently, in view of the undertaking (supra) rendered by the learned counsel for the petitioners, this Court deems it appropriate to confirm the interim relief granted to the petitioners. Therefore, the hereinabove extracted interim order dated



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09.08.2023, as made by a Co-ordinate Bench of this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioners shall, subject to outcome of the trial of the present FIR, deposit all the cheques of farmer(s), which are in their custody, with the investigating officer concerned within 15 days from today;
- (ii) the petitioners shall also swear an affidavit to the effect that, during pendency of the present FIR, they will not misuse any documents, which are in their custody, against the victim farmer(s) and hand over the said affidavit to the investigating officer concerned within 15 days from today;
- (iii) the petitioners shall not commit an offence similar to the present offence;
- (iv) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (v) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

7. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

September 02, 2024
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(KULDEEP TIWARI)
JUDGE

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