

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32441-2023 (O&M)
Date of Decision:- 23.01.2024

Mahavir Parshad Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Simranjeet Singh, Advocate, for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
324	18.06.2023	Civil Line Hisar, District Hisar	408, 420 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. Status report by way of affidavit of Mr. Satyapal Singh, Deputy Superintendent of Police, Detective, Hisar has been filed. The same is taken on record.

3. At the time of issuance of interim bail the following order was passed on 18.08.2023:

“This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.324, dated 18.06.2023, under Sections 408, 420 of IPC registered at Police Station Civil Line Hisar, District Hisar.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. The dispute arose between the management and the petitioner on account of non-payment of salary and was followed by exchange of heated words and on having filed a complaint against the Branch Manager of the Company. It is further submitted that there is unexplained delay of 7 days in registering the FIR. The occurrence alleged is of 10.06.2023 whereas the intimation was received by the police on 18.06.2023 at 3:50 PM. It is submitted that the collection done through bio-metric machine along with said machine was deposited with the Company. The petitioner is ready to join investigation and abide by any stringent terms and conditions that may be imposed by the Court.

Notice of motion.

Ms. Ambika Sood, Additional Advocate General, Haryana, accepts notice on behalf of respondent-State and waives service. She prays for time to file reply/status report.

At this stage, Mr. Gaurav Sharma, Advocate, puts in appearance on behalf of the complainant and has filed his Power of Attorney, which is taken on record. Learned counsel for the complainant has opposed the present bail application and submitted that the bio-metric machine and the collection amount apart from the amount of Rs.20,000/- and another amount of Rs.8,400/- taken from the field staff has to be recovered in this case. However, he seeks time to have instructions with regard to the delay in registering the

FIR. He submits that the petitioner has been employed with the complainant Company @ Rs.20,000/- per month but he is not in a position to make a statement whether his salary dues are paid up-to which date. He seeks time to have instructions in that regard as well.

Adjourned to 10.10.2023.

In the meanwhile, petitioner shall join investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bonds and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.

Reply, if any, be filed on or before the next date.”

4. Learned State counsel has however, opposed the petition and has drawn the attention of this Court to para No.5 of the status report which is reproduced herein-under:

“5. That on 11.09.2023 the petitioner/accused was joined into investigation of the case in compliance of order dated 18.08.2023 passed by this Hon’ble High Court, however, the petitioner/accused not co-operated into investigation of the case and not recovered an amount of Rs.2,55,050/- and bio-matric machine.”

5. This Court has considered the rival submissions.
6. In view of the aforesaid position wherein the petitioner has joined investigation and the only objection is regarding non-recovery of the amount in question, this Court is of the opinion that non-recovery of the amount cannot be made a ground for dismissal. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.08.2023 are hereby made absolute subject to the

condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.01.2024

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(GURVINDER SINGH GILL)
JUDGE

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