

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

Neutral Citation No. **2024:PHHC:027235**
CRM-M-37708-2023
Date of Decision: February 27, 2024

Yogesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Rishabh Choudhary, Advocate for
Mr. Rajender Kumar, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 03.08.2023, following order was passed by this Court:-

“By way of this petition filed under Section 438 Cr.P.C., prayer has been made by the petitioner for grant of anticipatory bail in case FIR No.348 dated 29.05.2023 registered under Sections 406, 420, 506 IPC at Police Station Sadar Thanesar, District Kurukshetra.

It is contended by learned counsel for the petitioner that contradictory stands have been taken by the complainant in the FIR itself. At one place, it is mentioned that the petitioner had allegedly taken ₹27/28 lakhs, fraudulently through online transactions. At another place, it has been alleged by the complainant that he has transferred the amount in the account of the petitioner on the asking of his wife. Yet other stand taken by the complainant is that the petitioner had opened a supermart in which complainant was made a partner, though the partnership was not documented. Learned counsel for the petitioner contends that the falsehood of the contents of the FIR will be visible from the fact and it is alleged that petitioner along with his son threatened to shoot him. Learned counsel submits that petitioner has no son. He has only two daughters and the younger one is hardly six months old. Learned counsel contends that in fact it is

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civil dispute pertaining to the year 2018 which has been given criminal colour and that complainant wants to armtwist the petitioner so as to effect recovery of the money.

Notice of motion.

Mr. Vipul Sherwal, AAG, Haryana, accepts notice on behalf of the respondent- State. Mr. Aman Pal, Advocate put in appearance on behalf of the complainant and filed his Vakalatnama.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

2. Status report was already filed.
3. Learned State counsel alongwith learned counsel for the complainant contends that though, petitioner has joined the investigation, but did not cooperate in the same, inasmuch as he did not disclose or provide any record/documents of the share market, where he has invested the money.
4. The contention of learned State counsel cannot be relied at this stage, having regard to the detailed motion order passed by this Court on 03.08.2023, in which it was noticed the that contradictory stand has been taken by the complainant.
5. Having regard to all the circumstances, but without commenting anything on the merits of the case, the order dated 03.08.2023, whereby the petitioner was granted interim anticipatory bail,

is hereby made absolute. However, he shall continue to join investigation,
if and so required by the Investigating Officer.

Disposed of.

February 27, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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