



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

CRM-M-38229-2023 (O&M)
Date of Decision:-22.7.2024

Hishant Dolka ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Munish Sharma, DAG, Haryana.

Mr. Lalit Sharma, Advocate for
Mr. K.S. Nalwa, Advocate for complainant/respondent No.2.

FIR No.	Dated	Police Station	Section/s
244	24.6.2023	City Thanesar, District Kurukshetra	406, 420 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
- At the time of issuance of notice of motion, the following order was passed
on 7.8.2023:

“Instant petition has been filed under Section 438 of the Code of
Criminal Procedure, 1973 seeking pre-arrest bail in:-

FIR No.	Dated	Police Station	Sections
244	24.06.2023	City Thanesar, District Kurukshetra	406 and 420, IPC



Counsel for the petitioner submits that the allegation against the petitioner is that he had imported Aluminum Scrap, got it released from the Dry Port, Ludhiana on fake documents and sold it in the open market, causing a loss of about Rs.55 lacs to the complainant, who is a resident of Canada. By referring to e-mail, Annexure P-2, and the legal notices, Annexures P-3 and P-4, respectively, counsel contends that the FIR is an outcome of a business dispute between the parties, which is purely civil in nature. He submits that the petitioner has already paid a sum 56,000 U.S.D., approximately, as well as 24,000 CAD to the complainant. He submits that the petitioner, who has clean antecedents, is prepared to join investigation.

Notice of motion.

On asking of the Court, Mr. Ramender Singh Chauhan, AAG, Haryana accepts notice on behalf of the respondent.

List on 17.10.2023.

Petitioner is directed to join the investigation on 18.08.2023 at 11.00 A.M. at Police Station City Thanesar, District Kurukshetra and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation. He has, however, submitted that the amount of \$ 56000 is yet to be recovered.
4. Mr. Lalit Sharma, Advocate for Mr. K.S. Nalwa, Advocate, learned counsel representing the complainant/respondent No.2 has, however, opposed the grant of bail to the petitioner.



5. Having heard learned counsel for the petitioner and while noticing that the petitioner has joined investigation, it is not a case which would justify custodial interrogation. The instant petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.8.2023 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.

22.7.2024

pankaj

(Gurvinder Singh Gill)
Judge

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