

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-38509-2023 (O&M)

Date of decision: 22.02.2024

Subhash Chand

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nipun Bhardwaj, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Ms. Neha Dewan, Advocate for
Mr. Mayur Karkra, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.189 dated 20.07.2023 under Sections 406, 420, 34 of the IPC and Section 24 of the Immigration Act, 1983 registered at Police Station Cheeka, District Kaithal.

2. On 15.11.2023, learned counsel for the petitioner had made the following submissions:-

“Learned counsel for the petitioner submits that other than bald allegations leveled in the FIR in question qua the petitioner and his wife having demanded some money for sending son of the complainant abroad, there was no material on record much less documentary to support the allegations.”

3. Thereafter, on 08.01.2024, this Court had granted the concession of interim bail to the petitioner and asked him to join

investigation.

4. Learned counsel for the petitioner submits that in compliance of order dated 08.01.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. Learned counsel appearing for the complainant submits that there has been non-compliance of order dated 07.08.2023 whereby the petitioner was asked to hand over a demand draft to the complainant for an amount of Rs.6 lakhs or remit the same through RTGS in the bank account of the complainant.

7. On a pointed query put to the learned counsel for the complainant as to whether the said amount of Rs.6 lakhs had been deposited in the bank account of the petitioner, she has replied in the negative. However, she has submitted that the said amount had been deposited in the account of one Harpreet at the instance of the petitioner.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. Once the petitioner has joined investigation and as per instructions received by learned State counsel, his custodial interrogation is not required in the case, this Court is not inclined to order his custodial interrogation merely because the petitioner has not

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paid the amount of Rs.6 lakhs to the complainant which was allegedly deposited by the complainant in the bank account of Harpreet at the instance of the petitioner.

10. In view of the above, the petition is allowed and interim order dated 08.01.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

22.02.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No