

CRM-M-41841-2024
Date of decision: 11.12.2024

...Petitioner

Versus

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Namit Khurana, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

Mr. Rajiv Deswal, IPS, Superintendent of Police, Yamuna Nagar is present and has submitted rejoinder dated 10.12.2024 in the form of an affidavit. The same is taken on record.

2. By way of present petition filed under Section 482 of BNSS, 2023, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
154	26.06.2021	406, 420, 506 IPC	Chhachhrauli, District Yamuna Nagar

2. Learned counsel for the petitioner submits that in compliance to the order dated 14.10.2024, the petitioner has joined the investigation.

3. During the course of hearing on 14.10.2024, following order had been passed: -

“ *Heard.*

2. ASI Parvinder Singh, P.S. Chhachhrauli, is present in Court today along with record.



3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case which has been planted by the police at the instance of complainant on fictitious grounds. He further submits that the complaint given to the police pertains to one Sunil Kapoor, son of Shri Mohan Lal and there is nothing on record to suggest that the petitioner is the same person. He further contends that as per the allegations levelled in the FIR, the transaction allegedly took place on 07.02.2012 and the instant FIR has been registered on 26.06.2021 after delay of more than 10 years on the complaint so moved by the complainant on 01.06.2021. He submits that even as per the allegations in the complaint, the entire alleged transactions had taken place at Delhi or Bangalore but to create jurisdiction, it is alleged that the petitioner had met the complainant at Bus stand, Yamuna Nagar. Although, the petitioner never visited Yamuna Nagar, throughout his life.*

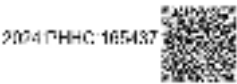
4. *Learned State counsel assisted by learned counsel for the complainant has admitted the factum of transaction being pertaining to the period 07.02.2012 and that the complaint was lodged on 01.06.2021 by the complainant. The Investigating officer present in Court has admitted that there is no zimni during the entire investigation on record to show that the petitioner happens to be the same person as has been mentioned in the complaint as Sunil Kapoor son of Mohan Lal. He has also admitted that except for the allegations in the complaint that the said Sunil Kapoor has met the complainant at Bus Stand, Yamuna Nagar, no other transaction has taken place as per the allegations in the complaint, within the jurisdiction of District Yamuna Nagar.*

5. *Be it the case as it may be, without commenting on the merits of the case, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482 (2) of BNSS, 2023.*

6. *Taking note of the above observations, Superintendent of Police, District Yamuna Nagar, is directed to submit detailed report pertaining to above noted facts and circumstances on 19.11.2024.”*

4. Learned State counsel on instructions received from

Investigating Officer of the case informs the Court that the petitioner has



joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 14.10.2024 passed by this Court, interim bail granted vide order dated 14.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Mr. Rajiv Deswal, IPS, Superintendent of Police, Yamuna Nagar has assured that he will get the matter re-investigated through some senior officer as regards the jurisdiction aspect is concerned and submit his report within 03 months.

8. The Superintendent of Police present in Court is directed to submit the report within aforesaid time.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

11.12.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |