



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-43473-2024

Date of decision: 04.11.2024

KASHMIRI LAL

....PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Narender Pal Bhardwaj, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Vikas, Advocate for

Mr. Namit Khurana, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of Bhartiya
Nagarik Suraksha Sanhita, 2023 (BNSS) read with Section 438 Cr.P.C.,
petitioner seeks anticipatory/pre-arrest bail in case FIR (Annexure P-1) as
under:

FIR No.	Dated	Sections	Police Station
112	13.06.2024	406/420 IPC	Buria, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that in compliance to the order dated 30.09.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 30.09.2024 .

3. Learned State counsel, on telephonically instructions received from SI Rajesh Kumar, Special Staff, Yamunanagar has submitted that the petitioner has joined investigation and is neither required for further

investigation nor for any custodial interrogation.



CRM-M-43473-2024

2

4. Learned counsel appearing on behalf of the complainant has opposed the bail application by arguing that the petitioner alongwith the co-accused have committed fraud with the complainant and as such he is not entitled to concession of bail.

5. Heard.

6. During the course of hearing on 30.09.2024, following order was passed:

“1. Heard.

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in the case. He contends that in fact the complainant and his family members had been regularly investing in the demat account of the Company-Profit-Mart maintained by co-accused Mangal Veer @ Mangal Vir and in this regard he has referred to numerous credit and debit entries in the account (Annexures P-4 and P-5). He submits that there is not even a single penny transferred in the account of the petitioner and the entire transactions had been with coaccused Mangal Veer. Even prior to the registration of the FIR, petitioner has never indulged in any travel agency thus, no question of alluring the complainant in any manner arise.*

3. *Learned counsel appearing on behalf of the complainant has opposed the bail application by arguing that the recovery has to be effected from the petitioner but on a query from the Court, she has not been able to tell any amount being transferred in the account of the petitioner by the complainant.*

4. *Per contra, learned State counsel on instructions from SI Makhan Singh, Investigating Officer of the case has not disputed that the transactions of the complainant had been*



CRM-M-43473-2024

3

with co-accused Mangal Veer and not with the present petitioner.

5. *List on 04.11.2024.*

4. *In these circumstances, 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.”*

7. 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 30.09.2024 passed by this Court, interim bail granted vide order dated 30.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.

8. The petition stands allowed.

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

(SANJIV BERRY)
JUDGE

04.11.2024
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