

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.50495 of 2023

Arjun Kumar
... Petitioner
Versus
State of Haryana
... Respondent

2. CRM-M No.50553 of 2023

Rambai
... Petitioner
Versus
State of Haryana
... Respondent

Date of decision: 31st January, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nishant Chauhan, Advocate for the petitioners.
Mr. Sanjeev Kumar, Addl. Advocate General, Haryana
for the respondent/State.
Mr. Suresh K. Kaushik, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.12 dated 07.01.2023 under Section 120-B, 34, 35, 406, 417, 420, 426, 465, 467, 468, 471 of the Indian Penal Code, 1860 and Section 27 of Arms Act, 1959 registered at Police Station Sadar Hisar, District Hisar.
2. On the last date of hearing, i.e. 15.01.2024, while noticing the following submissions made by learned counsel for the petitioners, this

Court had granted the concession of interim bail to the petitioners and asked them to join investigation.

“Learned counsel for the petitioners inter alia contends that a perusal of the FIR in question, which has been annexed as Annexure P-1, leaves no manner of doubt that the dispute is essentially civil in nature but is being given a criminal complexion. Learned counsel has also informed the Court that identically placed co-accused Krishan Kumar has already been granted the concession of interim bail vide order dated 10.01.2024 in CRM-M-44318-2023.

On a pointed query put to the learned counsel qua the criminal antecedents of the petitioner, he has submitted that the petitioners have clean antecedents and are not involved in any other criminal case, much less a case of similar nature.”

3. Learned counsel for the petitioners submits that in compliance of the order dated 15.01.2024, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation except that the amount involved had not been recovered yet.

5. Learned counsel appearing on behalf of the complainant has also vehemently opposed the prayer of the petitioners for being extended

the concession of anticipatory bail in view of the serious allegations in the FIR and the recovery of the allegedly cheated money of approximately ₹ 1.00 crore not having been effected yet.

6. The case in hand rests on documentary evidence. Once the petitioners have joined investigation and cooperated with the investigating agency, mere non recovery of the allegedly cheated amount cannot be a ground to deny the petitioners the concession of anticipatory bail. In the circumstances, both the petitions are allowed and the interim order dated 15.01.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

January 31, 2024
rps

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