

2024: PHHC: 028387
202/1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.53473 of 2022
Date of decision: 28th February, 2024

Raj Kumar Chaudhary

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Surender Dhull, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.159 dated 01.04.2022 under Sections 406, 420, 467, 468, 471, 506 & 120-B IPC, registered at Police Station Sampla, District Rohtak.

2. On 18.11.2022, while noticing the following submissions made by learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner contends that petitioner is innocent and not committed any offence. He has been falsely implicated in this case. He further contends that petitioner is not named in the FIR. Learned counsel for the petitioner further contends that petitioner

only drafted the GPA. He is not instrumental in getting agreement between the parties. Petitioner is an Advocate by profession. The role attributed to the petitioner is that he drafts the power of attorneys and other documents of clients as per their requirement. Learned counsel contends that main accused Sandeep has been granted interim anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.05.2022 passed in CRM-M-19285 of 2022. Petitioner is ready and willing to join the investigation as and when called by the investigating officer.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 18.11.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Rajesh, has not disputed the submissions made by the learned counsel for the petitioner that the petitioner, being an Advocate had just drafted the General Power of Attorney (GPA) on the basis of the documents including the Aadhaar Card provided by the main accused Sandeep and Ashok Kumar. Learned State counsel, on further instructions, has also not disputed that in the case in hand, the prime accused are Sandeep and Ashok Kumar, who had impersonated the original owners of the property in question, i.e. Suman and Pawan, and thereafter, sold the same to the complainant.

5. Learned State counsel, on further 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. In the circumstances, the petition is allowed and the interim order dated 18.11.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 28, 2024

rps

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