

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.56164 of 2023
Date of decision: 7th March, 2024

Lavish Mittal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhinav Sood, Ms. Anmol Gutpa & Mr. Jashan Mehta,
Advocates for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Rishabh Chaudhary, Advocate for
Mr. Aman Pal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.314 dated 16.06.2023 under Sections 406, 420, 467, 468, 471, 120-B of the IPC registered at Police Station Sector 32-33, Karnal, Haryana.

2. On 16.11.2023, 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 submitted that it is a case where the allegations were pertaining to money dispute of a cause of action which even as per the

complainant arose five years ago and the petitioner is not involved in any other case although his father, who is also a co-accused is facing one more FIR even as per the aforesaid affidavit filed by the learned State counsel.”

3. Thereafter, vide order dated 29.02.2024, while noticing the following submissions made by learned counsel for the parties, the petitioner was again directed to join investigation.

“Learned State counsel at the outset has opposed the prayer made by the counsel opposite for extending the concession of anticipatory bail to the petitioner. She, on instructions from Inspector Rishi Pal, has informed the Court that the petitioner has been called by the police on as many as three occasions but he has failed to join investigation. It has also been submitted by the learned State counsel assisted by counsel for the complainant that the father of the petitioner is a man of criminal antecedents as he is involved in multiple cases of similar nature; he has withheld his involvement in some of the cases from this Court.

Learned counsel for the petitioner, however, has controverted the instructions which have been received by the learned State counsel. He has placed on record the photographs of the petitioner as well as his father in support of his contentions that they have indeed been going to the Police Station concerned for joining investigation as and when called for.”

4. Learned counsel for the petitioner submits that in compliance of the orders dated 16.11.2023 and 29.02.2024, 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. She, 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 orders dated 16.11.2023 and 29.02.2024 are 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

March 7, 2024
rps

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