

**(2020) 08 SHI CK 0385**

**In the High Court Of Himachal Pradesh**

**Case No : Criminal Miscellaneous Petition (M) No. 524 Of 2020**

Abhimanu Mahajan

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

**Date of Decision : 28-08-2020**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 438  
Indian Penal Code, 1860 — Section 420, 467, 468, 471

**Citation : (2020) 08 SHI CK 0385**

**Hon'ble Judges : Jyotsna Rewal Dua, J**

**Bench : Single Bench**

**Advocate : Devender K. Sharma Anil Jaswal, Manoj Bagga**

**Final Decision : Disposed Of**

## Judgement

Jyotsna Rewal Dua, J

1. Instant petition has been moved for grant of anticipatory bail under Section 438 of Criminal Procedure Code in FIR No.149/2018 dated 26.06.2018, registered under Sections 420,467,468 and 471 of the Indian Penal Code, at Police Station Sarkaghat, District Mandi, Himachal Pradesh.
2. Interim protection was granted to the petitioner vide order dated 20.03.2020, subject to the conditions stipulated therein. The matter thereafter could not be listed for sufficient long time on account of lock-down imposed due to Covid-19 Pandemic.
3. Heard learned counsel for the parties and perused the status report.
4. According to the status report, the FIR in question was registered on the basis of a complaint lodged by one Mr. Neeraj Sharma (President of Aakar Seva Samiti) on 26.06.2018. The gist of the complaint was that the complainant and the bail petitioner were President and Secretary of Aakar Seva Samiti, respectively. The petitioner as Secretary of this Samiti had allegedly withdrawn about Rs.5 lacs

from the bank account of the Samiti by forging signature of the complainant. Interim protection was granted to the petitioner on the basis of averments made in the petition as well as the documents placed on record to the fact that a compromise between the complainant and the bail petitioner had been executed on 16.3.2020, recording therein the fact that the amount in question had been deposited by the bail petitioner in the account of Block Development Officer, Gopalpur, District Mandi, H.P. A resolution dated

8. 03.2020, executed by the members of Aakar Seva Karya Samiti in respect of no subsisting dispute with the petitioner had also been placed on record. According to the status report, investigation is underway, however, pursuant to the interim protection the petitioner has joined the investigation and is cooperating with the same.

Learned Additional Advocate General submitted that in the facts and circumstances of the case, the custodial interrogation of the petitioner is not required.

5. Status report does not indicate any previous criminal antecedents of the petitioner. According to the status report, petitioner has joined the investigation and is cooperating with the same. The interim protection was granted to the petitioner as far as back on 20.03.2020. There is no allegation regarding his non-cooperation with the investigating agency or that he is intimidating the witnesses or tempering the prosecution evidence. Petitioner is a resident of village Ropa Colony, Ward No.6, Post Office and Tehsil Sarkaghat, District Mandi, H.P. Therefore, in view of the facts and circumstances of the case and the submission so made by learned Additional Advocate General, no fruitful purpose will be served by sending the petitioner to judicial custody, hence, the present petition is allowed and the interim order passed on 20.03.2020 is made absolute, subject to following conditions:-

(i) Petitioner is directed to join the investigation of the case as and when called for by the Investigating Officer in accordance with law. He shall fully cooperate the Investigating Officer and will appear before him in the concerned police station as and when called in accordance with law;

(ii). Petitioner shall not temper with the evidence or hamper the investigation in any manner whatsoever;

(iii). Petitioners will not leave India without prior permission of the Court;

(iv). Petitioner shall not make any inducement, threat or promise, directly or indirectly, to the Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer;

(v). Petitioner shall inform the Station House Officer of the concerned police station about his place of residence during bail and trial. Any change in the same shall also be communicated within two weeks thereafter. Petitioner shall furnish

details of their Aadhar Card, Telephone Number, E-mail, PAN Card, Bank Account Numbers, if any; &

In case of violation of any of the terms & conditions of the bail, respondent-State shall be at liberty to move appropriate application for cancellation of the bail. It is made clear that observations made above are only for the purpose of adjudication of instant bail petition and shall not be construed as an opinion on the merits of the matter. Learned Trial Court shall decide the main matter without being influenced by the above observations.

With the aforesaid observations, the present petitions stand disposed of, so also the pending miscellaneous applications, if any.

Authenticated copy be supplied to learned counsel for the parties through the Secretary/Private Secretary, in case so required.