

(2013) 10 P&H CK 0170

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-12456 of 2013 (O and M)

Durgesh Aggarwal

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 25-10-2013

Acts Referred:

Citation : (2013) 10 P&H CK 0170

Hon'ble Judges : Naresh Kumar Sanghi, J

Bench : Single Bench

Advocate : Nihal Chand Kinra, for the Appellant; K.S. Pannu, DAG, Punjab and Mr. A.K. Jain, for the Respondent

Final Decision : Allowed

Judgement

Naresh Kumar Sanghi, J.

CRM-44323 of 2013

1. Prayer in this application is for mentioning the newly added offences punishable under Sections 465, 467, 468, 470 and 471, IPC, in the head note and prayer clause of the petition. Allowed as prayed for.

2. The amended petition is taken on record.

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3. Prayer in this petition is for grant of anticipatory bail to petitioner Durgesh Aggarwal who has been booked for having committed the offences punishable under Sections 406, 420, 465, 467, 468, 470 and 471 read with Section 120B, IPC, in a case arising out of FIR No. 93, dated 15.03.2013, registered at Police Station, Zirakpur, District Mohali.

4. Learned counsel contends that in compliance of the orders dated 18.04.2013 and 30.08.2013, the petitioner has joined the investigation and co-operated with the Investigating Officer. He further submits that the main thrust of the

allegations of the complainant are against the father of the petitioner who has already been arrested and granted bail. He also submits that prima facie it appears that the dispute of civil nature has been given the colour of a criminal case.

5. Learned counsel for the State, on instructions from ASI Gurbachan Singh, Police Station, Zirakpur, District Mohali, very fairly concedes that in compliance of the orders passed on different dates by this Court, the petitioner did join the investigation and co-operated with the Investigating Agency and as such, no more required for further investigation in the present case. He further concedes that during the custodial interrogation of Prem Chand Aggarwal, father of the petitioner, he disclosed to the police that the amount received from the complainant side was invested by him with some other persons.

6. Learned counsel for the complainant though opposed the grant of anticipatory bail to the petitioner but could not justify the grounds.

7. I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

8. Concededly, the petitioner has not been named in the FIR. The main thrust of the allegations are against his father, Prem Chand Aggarwal, who has already been arrested and granted bail. The petitioner has joined the investigation and co-operated with the Investigating Agency.

9. Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed and the order dated 18.04.2013 whereby the ad-interim bail was granted to the petitioner is made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down u/s 438(2), Cr.P.C.