

(2012) 12 P&H CK 0016

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-34968 of 2012 (O and M)

Sandeep Dudeja and another

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 06-12-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438, 438(2)
Penal Code, 1860 (IPC) — Section 120B, 420, 467, 468, 471

Citation : (2012) 12 P&H CK 0016

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Advocate : Surrender Deswal, for the Appellant; Maloo Chahal, DAG, Haryana, for the Respondent

Judgement

Ram Chand Gupta, J.—The present petition has been filed for anticipatory bail u/s 438 of Code of Criminal Procedure in FIR No. 254 dated 07.07.2012, under Sections 420/467/468/471/120B IPC, registered at police station Jagadhari City, Yamuna Nagar. I have heard learned counsel for the parties and have gone through the whole record including the impugned order passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhari dismissing anticipatory bail application filed on behalf of the petitioners.

2. This Court while issuing notice of motion on 7.11.2012 passed the following order:-

Crl. M. No. 66697 of 2012

Application is allowed subject to all just exceptions.

Crl. M. No. M-34968 of 2012

Contentends that even as per FIR allegation is that premium of ` 48,000/- was paid by the complainant by way of cheque in the name of the Insurance company to petitioner No. 1 and that however, policy was not issued as per terms and

conditions agreed at the time of proposal between complainant and petitioner No. 1. It is further submitted that however insurance policy was issued by the company as per the proposal form filled by the complainant and that on his objection being raised, the entire amount alongwith interest has been returned to him by the Insurance company and the policy has been cancelled. It is also contended that there was option of getting the policy cancelled with the complainant within 15 days of the receipt of the insurance policy if he is not agreeable to those terms and conditions and hence, the dispute has been settled with the insurance company.

Notice of motion to Advocate General, Haryana, for 6.12.2012.

However, in the meantime, petitioners are directed to join the investigation and in case they are arrested, they shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C.

3. It has been contended by learned counsel for the petitioners that they have already joined the investigation pursuant to said order dated 07.11.2012.

4. It has also been stated by learned counsel for the State that petitioners have joined the investigation and that they are no more required for any custodial interrogation.

5. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

6. Hence, in view of these facts and without expressing any opinion on the merits of the case, the anticipatory bail application filed on behalf of Sandeep Dudeja and Kanika Narang is accepted and order dated 07.11.2012 granting interim bail in favour of the petitioners is, hereby, made absolute subject to compliance of conditions specified u/s 438(2) Cr.P.C. The present petition stands disposed of accordingly.