

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10017-2015

Date of decision:- May 14, 2015

Rajesh

....Petitioner...

VS.

State of Haryana and another

....Respondents...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Pankaj Maini, Advocate,
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

JASPAL SINGH, J.

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Rajesh-petitioner, feeling apprehension of his arrest, in case FIR No. 536, dated 14.12.2012, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Narnaund, District Hisar.

2. On March 30, 2015, while issuing notice of motion, following order was passed:-

“Learned counsel for petitioner inter alia contends that as per allegations contained in FIR, petitioner prepared fake job card and thereby, embezzled government money whereas trial court while dismissing application moved by him vide order dated February 07,

2015, finds mention that Sarpanch Anil Kumar, during investigation, disclosed that petitioner- Rajesh acted as mate for withdrawal of amount of MANREGA in the name of different labourers. Moreover, petitioner neither acted as mate nor he was authorised to fill or prepared job card. He is not an office bearer of gram panchayat.

*Notice of motion to the respondents for
05.05.2015.*

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.”*

3. Learned State counsel, on instructions, from ASI Jai Bhagwan, has submitted that in compliance of order dated March 30, 2015, passed by this Court, petitioner has joined the investigation and he is no more required for further interrogation.

4. Accordingly, order dated March 30, 2015 is made absolute, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**(JASPAL SINGH)
JUDGE**

May 14, 2015
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