

CRM-M-26303-2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26303-2015

Date of decision: 17.09.2015

Rajesh Kumar Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Eklavya Gupta, Advocate
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.496 dated 12.12.2014, under Sections 406 and 420 of Indian Penal Code, 1860, registered at Police Station Badshapur, Gurgaon.

Following order was passed by this Court on 17.08.2015:-

“ This is a petition for grant of anticipatory bail.

As per the allegations, the complainant was defrauded by certain persons. Allegation against the petitioner was that he had also obtained some money. It is the contention of counsel for the

CRM-M-26303-2015

[2]

petitioner that the petitioner is an advertising agent and it was as a part of his job that some people came to him and asked him to arrange the publication of their advertisement in the newspaper, and the money he received was for this professional service and beyond that he had no role in the alleged fraud.

Counsel for the respondent, on instructions from ASI Des Raj, states that at this stage the Investigating Officer is not in a position to accept or deny the above averment and can make no comment upon it unless he has a chance to examine the petitioner.

In these circumstances, I deem it appropriate to grant ad-interim anticipatory bail to the petitioner. Let the petitioner appear before the Investigating Officer on 27.8.2015 or on any other day on which the Investigating Officer requires his presence, to show to him that he was merely an advertising agent and the money he received was for that professional service. In the event of his arrest, the petitioner shall be CRM-M No.26303 of 2015 :2: released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

Adjourned to 17.9.2015 to await the report of the Investigating Officer. ”

Learned State counsel who is assisted by Assistant Sub Inspector Des Raj has submitted that the petitioner has joined investigation and is not required for further investigation.

CRM-M-26303-2015

[3]

Accordingly, interim bail granted to the petitioner
by this Court vide order dated 17.08.2015, is made absolute.

Petition stands disposed of accordingly.

September 17, 2015
kapil

(SABINA)
JUDGE