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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26677-2015 [O&M]
Date of Decision : October 20th, 2015

Sukhbir Kataria

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. J.S.Bedi, Senior Advocate,
with Mr. Deepinder Singh, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana
for the respondent-State.

Mr. Pardeep Kumar, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case bearing FIR No.413 dated 4.7.2015 under Sections 420, 467, 468, 471 and 120-B of IPC and Section 31 of Representation of the People Act, 1950 registered at Police Station Sector 5, Gurgaon.

2. Learned counsel for the petitioner contended that the petitioner was earlier released on anticipatory bail by Additional Sessions Judge, Gurgaon vide order dated 20.7.2015 and the petitioner was directed to join investigation on or before 25.7.2015. However, because of negligence on the part of Clerk of the counsel, the certified copy of the order could not be applied for in time and as such, the petitioner could not join the

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investigation on 25.7.2015 and some other date for joining the investigation be fixed.

3. After filing of the present petition for anticipatory bail, the petitioner has already joined the investigation proceedings on different dates.

4. Learned State counsel, while admitting the fact that the petitioner has joined the investigation and has cooperated with the investigation proceedings, took a plea that custodial investigation of the petitioner is required.

5. Learned counsel representing the complainant has submitted that the petitioner is involved in number of other cases and is giving threats to the complainant as well. So he is not entitled for the concession of anticipatory bail.

6. Having considered the above facts that the petitioner was earlier released on anticipatory bail in this case by the Court of Sessions vide order dated 20.7.2015 with a direction to join the investigation on 25.7.2015, but he could not join investigation on the said date and thereafter, he has already joined the investigation on different dates, his custodial investigation is not warranted. Present petition is accepted with a direction that in case the petitioner is arrested, he shall be released on bail on his furnishing bail bonds to the satisfaction of Arresting Officer/Court.

(SHEKHER DHAWAN)
JUDGE

October 20th, 2015
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