

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

Sr. No.279

**CRM-M-21425-2016
Decided on 09.08.2016**

Anil Kumar Jain and another

...Petitioners

VS

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Rajat Gautam, Advocate
for the petitioners.

Mr. Sandeep Vashishth, DAG, Haryana.

Mr. Rakesh Nehra, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition u/s 438 Cr.P.C praying for grant of anticipatory bail to the petitioners in FIR No. 144 dated 06.06.2016 (Annexure P-1) under Sections 406, 506 and 34 IPC and later on Section 420 was added registered at Police Station Farukhnagar, Gugaon.

On 17.06.2016 the following order was passed :-

“The counsel for the petitioner contends that already a

complaint under Section 138 of the Negotiable Instruments Act had been filed against the complainant on 04.06.2016 and the FIR No.144 had been registered on 06.06.2016 at the instance of the complainant.

Notice of motion for 09.08.2016.

In the meantime, arrest of the petitioners is stayed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Arresting Officer, subject to the conditions contained in Section 438 (2) Cr.P.C and they will join the investigation as and when required.”

On instruction from SI Balwan, learned DAG, Haryana states that the petitioners have joined the investigation and are no more required for custodial interrogation.

Learned counsel for the complainant has opposed the grant of bail by stating that vehicle of the complainant has not been recovered.

Be that as it may, once State does not want the petitioners, I have no option to allow the petition and confirm the interim order.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. The interim order dated 17.06.2016 is made absolute subject to the conditions envisaged under

Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal
miscellaneous application, if any, also stands disposed of.

August 09, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No