

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

CRM-M-34443-2016

Date of decision: November 17, 2016

Hari Naryan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ravinder S. Randhawa, Advocate
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana
for the respondent-State.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition has been preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, in case bearing FIR No.205, dated 12.09.2016, under Section 7 of the Essential Commodities Act, 1955 and Sections 420, 406, 120-B IPC, registered at Police Station Jakhal, District Fatehabad.

At the time of issuance of notice of motion vide order dated September 27, 2016, the following order was passed:-

“It has been inter-alia contended by learned counsel for the petitioner that petitioner has been falsely implicated in the instant case at the instance of one Birbal son of Banwari Lal. Otherwise, there is no direct evidence against the petitioner. He further contends that even a perusal of FIR makes it crystal clear that Department of Food and Supply, Haryana entrusted 66.80 quintal OPH wheat and 6.30 quintal AAY wheat for distribution in the month of September 2016 and at the time of spot inspection conducted in the presence of Sarpanch, 64 bags of wheat were found available in the depot. Moreover, Birbal is neither in relation with the petitioner nor he is his employee.

Notice of motion for 17.11.2016.

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 conditions, as envisaged under section 438(2) Cr.P.C.”

Learned State counsel on instructions from SI Om Parkash, has submitted that petitioner has already joined the investigation in compliance of the order dated September 27, 2016 and he is no more required for further interrogation/investigation.

In view of the aforesaid facts, order dated September 27, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2) 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;*
- 3) that the petitioner shall not leave India without the previous permission of the Court.*

November 17, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No