

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

Sr. No. 205

CRM No. M-40839 of 2016

DECIDED ON: December 21, 2016

BALJEET

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjay Vashisth, Advocate,
for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

Mr. Surinder Mohan Sharma, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner – Baljeet has sought pre-arrest, feeling apprehension of his arrest, in case bearing FIR No. 891, dated December 14, 2015, under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station City Ballabgarh, District Faridabad, during pendency of trial.

Learned State counsel has filed reply by way of an affidavit of Aman Yadav, HPS, Assistant Commissioner of Police, Ballabgarh, Faridabad in court today, which is taken on record.

On December 09, 2016, during the pendency of instant petition, following order was passed:

“Learned Counsel for the State seeks time to file reply. Time granted. List on 21.12.2016.

In the meanwhile, in the event of arrest, petitioner shall be released on ad-interim anticipatory bail in FIR No.891 dated 14.12.2015, registered under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, 1860, at Police Station City Ballabgarh, District Faridabad, on furnishing of his bail bond amounting to `10,000/- with one surety of like amount to the satisfaction of the arresting officer. He shall, however, join the investigation and fully cooperate with the Investigating Officer.”

On instructions from ASI Ashok Kumar, Learned State counsel has submitted that in compliance of order dated December 09, 2016 petitioner has already joined the investigation but he is not cooperating & is not producing the original registered General Power of Attorney dated May 21, 2014.

During the course of arguments, it has emerged that there is no allegation that the above said GPA is forged or fabricated one and further that the copy of the same has already been obtained by the Investigating Agency during investigation of this case from the office of Sub-Registrar. In view of the facts narrated above, a case is made out to exercise the discretionary powers as envisaged under Section 438 Cr.P.C.

Accordingly, order dated December 09, 2016 is made absolute and shall enure during the pendency of trial.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

December 21, 2016
Sham/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No