

201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33275-2016 (O&M)

Date of Decision: 22.05.2017.

Mohan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Karan Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Rajesh Kumar.

None for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
the Cr.P.C seeking anticipatory bail in case FIR No. 709 dated
19.08.2016 registered under Sections 407, 420 and 384 IPC at Police
Station Sadar Karnal.

On 20.09.2016 this Court had passed the following
order:-

“Learned counsel for the petitioner submits that apples in
question were never loaded in the truck bearing No. HR-74-A-
1984 and truck bearing No. HR-45-A-8046.

Notice of motion for 16.12.2016.

In the meanwhile, in the even of arrest of petitioner, he shall
be released on ad interim bail to the satisfaction of the

arresting officer. He shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Again on 15.03.2017 this Court had passed the following order:-

“On 20.09.2016, assertion was raised on behalf of the petitioner that apples in question were never loaded in the trucks bearing Nos.HR-74- A-1894 (which was wrongly mentioned as HR-74-A-1984 in the order dated 20.09.2016) and HR-45-A-8046. However, now the learned counsel for the petitioner submits that the said apples were not entrusted to him. Whereas, the learned counsel for the complainant states that in fact the invoice is counter signed by the petitioner.

Learned State counsel states that the petitioner has repeatedly joined the investigation though the investigation is still in progress qua him. He candidly states that the petitioner is changing stance and is not cooperating with the investigation.

Let the FSL report qua signature of the petitioner be obtained. The learned State counsel, on instructions, states that the FSL report will be available within three weeks.

Post again on 08.05.2017.

In these circumstances, the petitioner is again directed to join the investigation and appear before the investigating officer on 17.03.2017 at 11.30 am and give his specimen signature and thereafter cooperate with the investigation as and when called by the investigating officer.

Interim order to continue.”

It is contended that in pursuance of the order dated

20.09.2016, the petitioner has repeatedly joined the investigation.

Learned State counsel has repeatedly sought time on the ground that FSL report qua signatures of the petitioner is still awaited. Even today, the status remains the same nor he is committal to the extent that how soon the report will be received. The petitioner has repeatedly joined the investigation.

In view of above, the order dated 20.09.2016 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

22.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No