

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

CRM-M -44708 of 2016 (O&M)

Date of decision: 16.08.2017

Manoj Tyagi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Bikram Chaudhary, Advocate for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Davender.

Mr. Roopak Bansal, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.628 dated 27.09.2016, registered under Sections 406, 498-A, 323, 506 read with Section 34 of IPC, at Police Station Saran, District Faridabad.

On 15.12.2016, this Court had passed the following order:-

“Notice of motion for 23.03.2017.

To be heard along with Crl. Misc. M-42702 of 2016.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, heshall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- i. a condition that the person shall make him available for interrogation by Police Officer as and when required;*
- ii. a condition that the person 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;*
- iii. a condition that the person shall not leave India without the previous permission of the Court.*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail was granted under that section.”*

It is contended that in pursuance of the order dated 15.12.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioners has joined the investigation. Respondent No.2 informed the Investigating Officer in writing dated 06.03.2017, wherein she refused to effect the recovery of alleged dowry articles.

Keeping in view the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 15.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

16.08.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No