

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

(1)

**Crl. Misc. No.M-12985 of 2017 (O&M)
Date of Decision: May 08, 2018**

Joginder Lal and another

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(2)

Crl. Misc. No.M-15933 of 2017 (O&M)

Jasmer Gulia

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(3)

Crl. Misc. No.M-20513 of 2017 (O&M)

Shiv Charan

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(4)

Crl. Misc. No.M-22712 of 2017 (O&M)

Jitender Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

(5)

Crl. Misc. No.M-35636 of 2017 (O&M)

Radhe Sham Wadhwa

.....PETITIONER(s).

VERSUS

State of Haryana and others

....RESPONDENT(s).

Present: Mr. H.S. Bedi, Advocate for
Mr. Saurav Khurana, Advocate
for the petitioners in CRM-M-12985-2017.

Mr. P.S. Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate
for the petitioner in CRM-M-15933-2017.

Mr. T.C. Dhanwal, Advocate
for the petitioner in CRM-M-20513-2017.

Mr. J.S. Lalli, Advocate
for the petitioner in CRM-M-22712-2017.

Mr. Bipin Ghai, Sr. Advocate with
Mr. Himanshu Raj, Advocate
for the petitioner in CRM-M-35636-2017.

Ms. Neelam Kashyap, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

All the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.0488 dated 31.12.2016 registered for the offences punishable under Sections 406, 420, 120-B of Indian Penal Code and Sections 7 and 13 (i)(c) of Prevention of Corruption Act, 1988, at Police Station Taraori, District Karnal.

Heard.

Learned State counsel on instructions from DSP Atma Ram submits that petitioners have joined the investigation, which is still in progress. Though there is no order in CRM-M-35636-2017 for joining petitioner Radhe Sham Wadhwa in investigation but he has also joined investigation. The police has completed investigation against co-accused Kashmir and Jaipal and presented challan against them. Challan against the

petitioners will be produced in due course. However, their custodial interrogation is no more required at this stage.

In view of submission of learned State counsel but without expressing any opinion on the merits of the case, all these petitions are allowed. Order dated 19.04.2017 passed in CRM-M-12985-2017; order dated 26.05.2017 passed in CRM-M-15933-2017; order dated 02.06.2017 passed in CRM-M-20513-2017; order dated 05.07.2017 passed in CRM-M-22712-2017 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court;
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

As there is no order for grant of interim bail to petitioner Radhe Sham Wadhwa, he is directed to surrender before the Investigating Officer and join the investigation within 7 days. In the event of his arrest being required, he shall be released on anticipatory bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.

It is, however, made clear that in the event of petitioner Radhe Sham Wadhwa not surrendering before the Investigating Officer within 7 days, the order allowing bail to him shall stand withdrawn automatically.

May 08, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No