

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-19529-2018

Date of Decision: 29.08.2018

Suresh Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Preetinder Singh Ahluwalia, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana for respondent(s)-State.

...

Inderjit Singh, J.

Petitioner Suresh Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.383 dated 11.04.2018, registered at Police Station Central Faridabad, District Faridabad, under Sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code and Sections 13(1)(d) and 13(d)(2) of the Prevention of Corruption Act.

Notice of motion was issued in this case.

Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the allegation in the FIR, government fee had been misappropriated by the Excise Department Officers. As per the allegation, 3 contractors, namely, Varinder Kumar, Neeraj Sachdeva and Raghubir Singh had not paid the excise fee.

Learned counsel for the petitioner submits that the excise duty was already paid before the registration of the FIR by these three persons. They were arrested and released on regular bail. The present petitioner has been nominated by the co-accused by stating that the present petitioner is also a partner in their firm.

In pursuance of the interim order dated 15.05.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 15.05.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

29.08.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No