

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

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**CRM-M No. 23955 of 2018
Date of Decision : 25.09.2018**

Sanjeev Bhojraj

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr. Sarwinder Goyal, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

P.B.BAJANTHRI, J. (ORAL)

In the present petition, petitioner seek anticipatory bail under the provision of Section 438 Cr.P.C. in FIR No.97 dated 28.01.2018 under Sections 406, 420, 506 IPC, registered at Police Station City Hisar, District Hisar.

2. This Court vide order dated 31.07.2018 had directed the petitioner to join investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of Arresting/Investigating Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

3. Learned State counsel, on instructions of Investigating Officer states that petitioner is not cooperating in the matter. Learned counsel for the petitioner submitted that petitioner is cooperating. To that effect copy of an affidavit has been presented. Same is taken on record. Investigating Officer cannot insist the petitioner to produce cheque which is stated to

have been given by the complainant to the petitioner and it has alleged to have been mis-utilized by his brother in presenting the cheque and drawing the amount. Therefore, question of producing cheque issued by the complainant to the petitioner during the investigation is impracticable. Therefore, the Investigating Officer is hereby directed to not to insist in respect of production of cheque No. 8110079 for a sum of Rs.1,25,000/-, Punjab National Bank Dabda Chowk, Hisar. In respect of any other issue petitioner is hereby directed to cooperate in the investigation as and when Investigating Officer requires the petitioner's presence.

4. In view of these factual aspect and circumstances, without expressing any opinion on the merits of case, the order dated 31.07.2018, granting ad-interim bail to the petitioner, is hereby made absolute. However, the petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C.

5. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or other wise interfere with the fair trial.

6. Accordingly, the petition stands allowed.

25.09.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No