

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

CRM-M-40963-2017 (O&M)

Date of decision: 04.10.2018

Neeraj Chaudhary

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Aditya Jain, Advocate,
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

Mr. Narender Kaajla, Advocate, for
Mr. Jai Bhagwan Sharma, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 782 dated
04.08.2017 under Sections 354, 365, 506 IPC, registered at Police Station
Fariodabad Central, Faridabad.

This Court was pleased to pass the following order on
20.11.2017 :-

“CRM-36415-2017

*This is an application for preponing the hearing of
the matter. For the reasons mentioned in the application,
the same is allowed and the matter is taken up for
hearing today.*

Main case

*This is a petition that has been filed under Section
438 Cr.P.C. for grant of anticipatory bail to the
petitioner in FIR No.782 dated 04.08.2017, under*

Sections 354, 365, 506 of Indian Penal Code, registered at Police Station Faridabad Central, Faridabad.

While arguing for anticipatory bail, learned counsel for the petitioner relies upon whatsapp messages appended with this petition to show that there was a friendship between the petitioner and the complainant herein and as recently as July-August 2017, money had been transferred. Certain photographs have been shown to this court to substantiate his claim (photographs seen and returned).

At this stage, learned counsel appearing on behalf of complainant urges that all of this is a matter of trial and the petitioner herein is not entitled to grant of any relief from this court.

Learned counsel appearing on behalf of the respondent-State submits that photographs and the whatsapp messages have not been investigated, because the petitioner is evading his arrest.

I have heard learned counsel for the parties.

Adjourned to 11.12.2017 i.e. the date already fixed. Meanwhile, let the petitioner present himself before the Investigating Officer on 22.11.2017 at 11.00 a.m. and he is directed to cooperate with the investigating agency by furnishing details of the whatsapp messages and photographs to the Investigating officer. On his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

However, it is made clear that in case, the photographs and the whatsapp messages are not found to be correct or have been faked, any interim protection granted by this order shall stand automatically vacated.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation.

Learned counsel for the respondent-State, on instructions from the Investigating Officer confirms the factum of joining investigation by the petitioner.

Since the petitioner has joined the investigation, the petition is allowed and interim order dated 20.11.2017 is hereby made absolute subject to the condition that the petitioner will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

04.10.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.