

Sr. No.205

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

CRM No. M-7563 of 2018 (O&M)

Date of Decision: 05.04.2018

Pardeep Kumar @ Sanjeev Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.08 dated 19.01.2018, under Sections 406, 420, 120-B IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

While issuing notice of motion the following order was passed by this Court on 21.02.2018:-

“Petitioner seeks concession of pre arrest bail in case FIR No.08 dated 19.01.2018, under Sections 406, 420, 120-B IPC, registered at Police Station Bilaspur, District Yamuna Nagar.

FIR came to be registered on the statement of Mukesh Sharma working as Manager in Astin Excavation Mining Private Limited.

Precise allegations are that the present petitioner as also co-accused, namely, Gulab and who

were employed with the complainant-Company have acted in connivance with each other and have allowed four trucks to pass through without payment of royalty.

Counsel would submit that against the backdrop of allegations, custodial interrogation of the petitioner is not warranted as he is otherwise ready and willing to join investigation.

Counsel further furnishes an undertaking that the petitioner would be ready and willing to deposit half of the royalty amount as regards the four trucks in question against the backdrop of the allegations and such deposit would be subject to outcome of the investigation.

Notice of motion, returnable for 05.04.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Satpal Singh informs the Court that the petitioner has since joined investigation. Further more petitioner has already deposited half of the royalty amount i.e. Rs.11,500/- with the Investigating Officer against the backdrop of the allegations and which would be subject to the outcome of the final investigation.

Under such circumstances, custodial interrogation of the petitioner is not warranted.

Prayer is allowed.

Order dated 21.02.2018, passed by this Court is made absolute.

Disposed of.

05.04.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No