

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

**CRM-M No. 2844 of 2019
Date of Decision:-15.07.2019**

Ashwani Bhardwaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vikrant Singh Cooner, Advocate for
Mr. J.S. Cooner, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.583 dated 28.11.2018, under Section 384 read with Section 34 IPC, registered at Police Station Baldev Nagar, Ambala. The petitioner apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.1.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Through this petition under Section 438 Cr.P.C.

prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.583 dated 28.11.2018 registered under Sections 384 and 34 IPC at Police Station Baldev Nagar, Ambala.

According to the prosecution, petitioner has formed a gang to extort money from the Government officials by threatening them to implicate in false case of corruption, after getting information against them under the Right to Information Act. He along with his accomplice tried to extort money from one Block Development Officer namely Partap Singh, who recorded their conversation.

Learned counsel for the petitioner *inter alia* contends that petitioner has falsely been implicated in the aforesaid FIR. He never tried to extort money from the complainant and has nothing to do with the present case. There was no conversation between petitioner and the aforesaid BDO.

Notice of motion for 15.7.2019.

Considering overall facts and circumstances, petitioner is directed to join the investigation. He would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. Petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and

furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Ram Sahai does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Ram Sahai further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 22.1.2019 is made absolute. However, it is made clear that this order shall remain operative only till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

July 15, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No