

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

**CRM-M No.13811 of 2019 (O&M)
Date of Decision: 15.07.2019**

Rakesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. D.S.Matya, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
for the respondent/State.

Ms. Suman Sagar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.47 dated 20.02.2019, under Sections 419, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Urban Estate, Hissar, District Hissar.

This Court, while issuing notice of motion on 27.03.2019, passed the following order:-

“ Contends that petitioner is neither named in the FIR; nor anything is to be recovered from him.

Notice of motion for 06.05.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

Learned Counsel for the petitioner has submitted that in terms of above order, petitioner has joined the investigation.

The factum of joining the investigation is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court, but he opposed the bail while submitting that the mobile in question, which was used by the petitioner, has not been got recovered, rather he made available some other mobile set.

There is no dispute that petitioner has joined the investigation in terms of order dated 27.03.2019, passed by this Court and entire record including the photographs of the candidates pertaining to the recruitment test held on 10.02.2019 for the post of Messenger is available with the complainant and thus, the same can be made available for the Investigating Officer. Even otherwise, learned State Counsel is not able to point out the particulars i.e. IMEI number of the mobile, which is to be recovered from the petitioner for commission of any offence.

In view of above, interim order dated 27.03.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

July 15, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>