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

CRM-M-21837 of 2019

Date of decision: October 01, 2019

Shivam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

Mr. Baljeet Beniwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.184 dated 20.04.2019, under Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 58, District Faridabad.

On 14.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Learned counsel for the petitioner contends that in case, there was any difference of weight in the trollies, i.e. from 7525 kgs. to 4690 kgs., the complainant should have come forward at the time of weighing and at least, petitioner cannot be blamed for the same.

Notice of motion returnable on 19.07.2019.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of

his arrest, the Arresting Officer would admit him to interim bail, 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) of Code of Criminal Procedure, 1973.

At this stage, Mr. Baljeet Beniwal, Advocate appears, files vakalatnama on behalf of the complainant and the same is taken on record.”

Learned State counsel, on instructions from ASI Narender Singh, has stated that in terms of order dated 14.05.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 14.05.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

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

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

October 01, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No