

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

**CRM-M No. 22082 of 2019
Date of Decision:-12.09.2019**

Balaji Mishra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Manoj Kaushik, 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.299 dated 04.11.2017, under Sections 379 and 420 IPC, registered at Police Station Bhondsi, District Gurugram. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 15.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“The learned counsel for the petitioner submits
that although the FIR in question was lodged way back*

in the year 2017 but he is now sought to be arrested despite the fact that the phone numbers i.e. mobile No.93120- 25279 and HDFC Bank No.91-4461607475 allegedly used by the con man do not belong to the petitioner. It has further been submitted that the petitioner, in any case, without prejudice to his rights to contest the allegations is willing to deposit the amount in question.

Notice of motion for 12.9.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided 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 Sohan Lal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Sohan Lal 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 15.5.2019 is made absolute.

September 12, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No