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

CRM-M-23979 of 2019

Date of decision: July 19, 2019

Santosh and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate for the petitioners.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

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 the petitioners, in FIR No.110 dated 17.03.2019, under Sections 420, 120-B of Indian Penal Code, 1860, registered at Police Station Sector 40, Gurugram, District Gurugram.

Mr. R.N. Lohan, Advocate appears, files *vakalatnama* on behalf of the complainant and the same is taken on record.

As per prosecution case, petitioners defrauded the complainant by executing false Power of Attorney.

On 24.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that during the pendency of Civil Suit No.964 of 2009, filed by Smt. Rajni Bala Dutta against the present petitioners, complainant Sachin Bhutani being General Power of Attorney Holder specifically made a statement that he has no objection in case the suit of the plaintiffs is decreed.

Notice of motion for 19.07.2019.

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

Learned State counsel, on instructions from Sub Inspector Rakesh Kumar, has submitted that petitioners have joined investigation in terms of order dated 24.05.2019 and their custodial interrogation is not required.

In view of the above, order dated 24.05.2019 granting interim bail to the petitioners, 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 petitioners 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

July 19, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**