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

CRM-M-33215 of 2019

Date of decision: October 17, 2019

Sanjay Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Atul Yadav, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

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.13 dated 10.01.2019, under Sections 341, 365, 379-B, 412 of the Indian Penal Code, 1860, registered at Police Station Dharuhera.

On 10.09.2019, this Court has passed the following order:-

“Contends that neither the petitioner has been named in the FIR; nor anything is to be recovered from him. Further contends that, as a matter of fact, during investigation, co-accused-Kala Wahid nominated one Ajay Gupta as accused and petitioner has been named by said Ajay Gupta without any basis.

Learned State counsel seeks time to apprise the Court regarding pendency of other criminal cases against the petitioner.

Adjourned to 17.10.2019.

In the meanwhile, 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.”

Learned State counsel, on instructions from ASI Kamal Singh, has stated that in terms of order dated 10.09.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 10.09.2019 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 17, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No