

CRM-M-37319-2019

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212-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37319-2019
Date of decision-07.11.2019

Shamsher Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikas Bishnoi, 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.154 dated 25.03.2019 under Section 420 of Indian Penal Code, 1860 and Sections 4, 5 and 6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978 registered at Police Station City Fatehabad, District Fatehabad. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the complainant had allegedly paid a sum of Rs.1,00,000/- to co-accused, namely, Sanjiv, who has been granted the concession of pre-arrest bail vide order dated 03.07.2019 (Annexure P-2) on the ground that he is ready to

compound the offence by returning the amount. Learned counsel submits that the petitioner did not receive any amount.

Notice of motion for 07.11.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-27676-2019.”

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 Naresh Kumar does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Naresh Kumar 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 05.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

07.11.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No