

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

CRM-M-46267-2018
Date of decision: 15.05.2019

Suresh Chand Goel and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Piyush Aggarwal, Advocate
for the petitioners.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.

Mr. V. B. Aggarwal, Advocate
for respondent No. 2.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 265 dated 25.04.2018 under Sections 420, 406, 506, 379, 120-B and 448 of the Indian Penal Code registered at Police Station Suraj Kund, District Faridabad. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 17.10.2018, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“The allegations are levelled in the FIR that the household articles have been taken away by the petitioners but in the inquiry report (Annexure P-8), the allegations levelled by the complainant found to be baseless and complainant had left the house with his luggage and no theft has occurred.

Notice of motion for 07.02.2019.

In the meanwhile, the petitioners are directed to surrender before the Arresting/Investigating Officer within seven days. On doing so, they shall be released on interim bail, subject to their furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 Mahavir Singh does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Mahavir Singh further states that the petitioners are 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 17.10.2018 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

All pending applications also stand disposed off.

15.05.2019

SHABHA

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No