

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3945-2020
Date of Decision: 05.03.2020

Sanjay Kumar Gautam

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Bhavna Grewal, Advocate for
Mr. S.K.Yadav, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG Haryana assisted by
SI Sham Sunder.

* * *

VIVEK PURI, 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.117 dated 11.02.2019, under Section 409/420 IPC registered at Police Station Bhiwani City, District Bhiwani.

On 30.01.2020 following order was passed:

“Briefly, as per the allegations, a sum of Rs. 85,000/- was withdrawn from the account of Jagdish Girdhar-complainant maintained in the post office. The withdrawal was made as back as on 10.01.2012 by way of impersonation. The allegations against the petitioner are to the effect that he had identified the person who had withdrawn the amount by means of cheating.

It has been stated by learned counsel for the petitioner that the petitioner Sanjay Kumar Gautam was working as Dak Sahayak, who had withdrawn the amount, and furthermore he has deposited the amount of Rs.

85,000/- with interest and the same has been credited in the account of the complainant. Besides, the petitioner Sanjay Kumar Gautam has also been departmentally punished for the alleged misconduct. The learned counsel has further submitted that co-accused Meena Rani has already been granted pre-arrest bail vide order dated 17.01.2020.

Notice of motion for 05.03.2020.

Meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court and nothing has to be recovered from him. He is no more required for the purpose of investigation.

Learned State counsel, on instructions from SI Sham Sunder, has not disputed the factual position of the case and conceded that custodial interrogation of the petitioner is no more required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 30.01.2020 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

05.03.2020

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No