

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

Crl. Misc. M-11093 of 2020
Date of decision: 14.10.2020

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Anil Yadav

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rubal Garg, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks anticipatory bail in a petition filed under Section 438 Cr.P.C. in FIR No. 207 dated 01.04.2019 under Sections 403, 406, 506, 120-B IPC. P.S. Model Town, District Rewari.

Counsel for the petitioner submits that the petitioner has joined investigation in pursuance of the interim order dated 18.06.2020.

Interim order dated 18.06.2020 reads thus:-

“At the outset, Mr.Bedi has explained the case to the satisfaction of this Court in the background of the order dated 2.6.2020 passed by this Court. At this stage, the petitioner cannot be compelled to repay any money pending investigation and final report presented before the trial court.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to

the petitioner in case FIR No.207 dated 1.4.2019 under Sections 403/406/506/120-B of the IPC registered at Police Station Model Town, District Rewari. Learned Sr. Counsel has taken me to the series of transactions starting from 1.3.2019. He has referred to the reply (Annex. P-10) submitted to the SHO, pay slips of the Kotak Bank (Annex. P-8), the details of the money (at page 4 of the application) which have been transferred from the account of the NGO of the petitioner for clearing the pending dues of the NGO and the narration of allegations in the FIR. Without expressing any opinion on the merits of the case, I am convinced that this is a fit case to grant ad interim anticipatory bail to the petitioner. I do not think that in a paper trail of documents involving bank, any custodial interrogation is required as a skillful investigator well versed in financial transactions would be able to reach the truth during investigation.

Notice of motion.

Since advance copy of the petition stands already served, Mr. Saurabh Mohunta, DAG, Haryana accepts notice on behalf of the respondent-State. He has vehemently opposed the grant of ad interim anticipatory bail to the petitioner.

List on 10.8.2020.

In the event of arrest of the petitioner, he will be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer. He will join investigation as and when called upon to do so and he will remain bound by the terms and conditions envisaged under Section 438 (2) Cr.P.C.”

Thereafter, on 10.08.2020, though the petitioner had joined investigation, counsel for the State had submitted that certain documents were still to be made available by the petitioner. Counsel for the petitioner had undertaken that he would cooperate with the ongoing investigation in pursuance of the said proceedings.

Counsel for the State, on instructions from ASI, Balwati, submits that the petitioner has joined investigation and submitted the necessary documents and the expenditure incurred and is not required for further investigation. Counsel further states that there is no other case of similar nature against the petitioner.

Accordingly, the antecedents of the petitioner being clean, the petition stands allowed by confirming the interim order dated 18.06.2020.

14.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No