

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

206

**CRM-M-25140-2020(O&M)
Date of Order:21.09.2020**

ANAND

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Kumar Verma, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 31.08.2020, the following order was passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.1189, dated 3.12.2018, having been registered at Police Station Sirsa City, alleging therein the commission of an offence punishable under Section 406 of the IPC (Section 411 of the IPC having been added later on).

Learned counsel for the petitioner, though makes an argument of how the petitioner was only 'an innocent purchaser' of mobile phones from an employee of the complainant, however, learned State counsel submits that the petitioner could produce no bills or invoices etc. for the mobile phones that he purchased and therefore, obviously he would be knowing that it was not a legal purchase.

Learned counsel then points to the report of the Incharge of Police Station Sirsa City, dated 17.8.2020 (Annexure P-3), the last line of which reads to say that the remaining phones and laptops were to be recovered from accused Vinod (and therefore learned counsel submits not from the petitioner, i.e. Anand).

Notice of motion.

Mr.Praveen Bhadu, learned AAG, Haryana, accepts notice at the asking of the court.

He submits that though, undoubtedly, the petitioner has got recovered some mobile phones, he is required to get the remaining mobile phones which he is stated to

have given back to Vinod/given to Vinod, with him not disclosing the whereabouts of Vinod.

That being so, without making any further comment at this stage on the actual merits of the case, the petitioner is directed to join investigation immediately and to cooperate with the investigating agency in helping them to recover any remaining mobile phones, with it of course to be observed by this court that with the petitioner not having been able to produce any bills/invoices etc. as regards the purchase of mobile phones by him, whether the interim bail that he is being admitted to now, deserves to be continued or not, will be considered on the next date of hearing after a reply to the petition is received from the respondent-State, on an affidavit to be filed by a gazetted officer.

Adjourned to 21.9.2020.

Upon the petitioner joining investigation, if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court”

Learned counsel appearing for the State, on instructions from ASI Jagmeet Singh, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

Keeping in view the aforesaid facts, the interim order dated 31.08.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

September 21, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No