

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

202

**CRM-M-25205-2019
Date of decision: 28.01.2020**

Ibrahim

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Himanshu Rao, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana
for respondent No.1.

Mr. S.S. Pathania, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.426 dated 14.08.2018 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Dharuhera, District Rewari.

Vide order dated 07.11.2019 this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

Mr. S.S.Pathania, Advocate has appeared on behalf of respondent No.2-complainant State Bank of India and opposed the bail application in view of the reply filed today in Court.

I have heard learned counsel for the petitioner as well as

learned State counsel and learned counsel for respondent No.2 and have gone through the record.

Learned counsel for the petitioner has submitted that the bank is prosecuting its remedies for recovery. The petitioner has been falsely implicated in criminal case. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from ASI Ashok Kumar, has acknowledged that in compliance with order dated 07.11.2019 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 07.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

28.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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