

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37696-2019

Date of Decision: 21.01.2020

Sunil Kumar and another

.. Petitioners

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chandan Singh, Advocate for
Mr. Amit Jhanjhi, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0002 dated 20.07.2019 under Sections 120-B and 420 IPC, 1860, registered at Police Station SVB (State Vigilance Bureau), Panchkula, Haryana. They apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 06.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that the allegations in the FIR are regarding collective participation by petitioners in the tender process for allotment of contract for plying buses for State of Haryana, who were successful. It is alleged that though they both had applied

individually, but by using the same computer. He further submits that pursuant to the acceptance of the Bid, a lease agreement was executed on 19.09.2018, however, the same was never implemented. According to him, in the given facts there is no occasion for the State to suffer any loss. It is further contended that the writ petition filed by the petitioners seeking implementation of the contract is pending adjudication before this Court and this background custodial interrogation of the petitioners may not be necessary.

Notice of motion for 21.01.2020.

In the meanwhile, petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

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 DSP Om Parkash does not dispute this fact that the petitioners have joined the investigation.

Learned counsel on instructions from DSP Om Parkash 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 06.09.2019 is made absolute.

21.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No