

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

CRM-M No. 46532 of 2019 (O&M)

Date of decision: - 24.01.2020

Dharambir and another

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S. Hundal, Senior Advocate for
Ms. Amarjot Sangha, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioners seek anticipatory bail in case FIR No. 215 dated 09.09.2019 registered under Section 420 IPC, at Police Station Line Paar, Bahadurgarh (Haryana).

On 01.11.2019 this Court passed the following order :-

“Learned Senior Counsel appearing for the petitioners states that the alleged sale deed was executed on 24.06.2013, whereas petitioner No.2 had been in business with the complainant-Company, which is running a liquor business, since 2008.

Learned Senior Counsel further relies upon the judgment of the Hon’ble Supreme Court in Arnesh Kumar Vs. State of

Bihar and Another, (2014) 8 SCC 273, wherein it has been ruled that the police officers are not to automatically arrest a person in cases where the offence is punishable with imprisonment for a term which may be less than seven years or which may extend to 7 years.

Notice of motion for 24.01.2020.

In the meanwhile, petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure. ”.

Learned counsel for the petitioners states that pursuant to the order dated 01.11.2019 passed by this Court, the petitioners have joined the investigation.

Learned State counsel on instructions from SI Vijay Pal, states that the petitioners have joined the investigation and they are not required for any further investigation.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 01.11.2019 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

24.01.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No