

CRM-M-53236-2019

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

CRM-M-53236-2019

Date of Decision: 18.02.2020

Mohd. Samsudeen Saifi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. M.A.Hussain, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

HARNARESH SINGH GILL, J. (Oral)

Through the instant petition, the petitioner seeks anticipatory bail in FIR No.74 dated 13.02.2019, registered under Sections 379, 406 and 506 IPC, at Police Station Sector 50, District Gurugram.

On 13.12.2019, a Coordinate Bench passed the following order:

“Petitioner prays for pre-arrest bail in FIR No.74 dated 13/02/2019 registered under Sections 379/406/506 of the Indian Penal Code at Police Station, Sector-50, District Gurugram.

As per the case of the prosecution, the first informant has been duped of a sum of Rs.37,00,000/- as the accused have not constructed the building after taking contract and certain material has been removed therefrom.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR as an accused and he is sought to be falsely implicated. He further relies upon the order passed in favour of co-

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accused Naresh Gopal Sharma vide CRM-M-15656-2019.

Notice of motion.

On the asking of Court, Mr.Manish Bansal, DAG, Haryana accepts notice. A copy of the paper-book be handed over to learned counsel for the State during the course of the day.

List on 17.01.2020.

In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner states that pursuant to the order dated 13.12.2019 passed by the Coordinate Bench, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Deepak, submits that the petitioner has joined the investigation and is not required for any further investigation.

Looking to the circumstances, but without commenting on the merits of the case, the present petition is allowed and the order dated 13.12.2019 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

18.02.2020

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

: Yes/No

: Yes/No