

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

CRM-M-509 of 2021

Date of Decision: 25.03.2021

Har Sahay alias Harsh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Balraj Gujjar, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition was filed seeking anticipatory bail in FIR No. 346 dated 23.12.2019, under Section 406 IPC, registered at Police Station Sector 37, Gurugram.

On 7.1.2021, the following order was passed:

“This is a petition seeking anticipatory bail in FIR No. 346 dated 23.12.2019, under Section 406 IPC, registered at Police Station Sector 37, Gurugram.

The FIR is at the instance of Balbir. There is a dispute with regard to recovery of rent and shuttering articles supplied to R. K. Construction Company. The material was allegedly shifted to some other place and not used at the site where it was called for. As per the FIR, there are 2845 iron plates, 2845 prop jacks, 460 channels, 2100 scaffolding stand, lazer, chali etc.

Learned counsel for the petitioner submits that signatory to the agreement, namely, Rohtas has already been granted bail and the petitioner was not party to the agreement.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana appearing on advance notice accepts the same.

Learned counsel for the State, on instructions from ASI-Bhagwan submits that recovery of the material is yet to be made. The police has the call details of the petitioner with the Clerk of the complainant to establish that material was supplied on the directions of the petitioner. It is further argued that the petitioner belongs to Bihar and in case anticipatory bail is granted there is chance of his absconding.

At this stage, learned counsel for the petitioner submits that in order to meet the apprehension that the petitioner may abscond, the petitioner is ready to furnish surety bonds worth Rs.5,00,000/- of a local resident of Haryana.

Considering the facts of the case, especially that Rohtas is on bail, the petitioner is granted interim bail subject to his joining investigation within two weeks and furnishing surety bonds of a resident of Haryana worth Rs.5,00,000/-. He shall be bound by the conditions envisaged under Section 438(2) Cr.P.C.

Adjourned to 25.3.2021.”

Learned counsel for the petitioner on instructions submits that the petitioner could not join investigation as he is wanted in another FIR for which the bail was dismissed by this Court. He seeks permission to withdraw the present petition. However, a request is made that in case the

petitioner surrenders within one week and applies for regular bail, the same be decided in a time-bound manner.

The petition is dismissed as withdrawn.

In case the petitioner surrenders within one week from today and applies for regular bail, the court concerned shall try to decide the bail application as expeditiously as possible.

[AVNEESH JHINGAN]
JUDGE

25th March, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |