

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

CRM-M-3866 of 2021

DECIDED ON: 8th JULY, 2021

Rakesh Raj Otreja

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. K.B. Raheja, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

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

This petition is filed for grant of anticipatory bail in case of FIR No.16 dated 9.2.2018 under Sections 420, 467, 468, 471, 506 IPC, 1860 read with Section 7 and 13(2) of Prevention of Corruption Act, 1988 (Section 384/385 IPC added lateron), registered at Police Station City-I, Abohar, District Fazilka.

This Court vide order dated 7th April, 2021 granted interim bail subject to joining investigation. The order is reproduced below:

"Learned counsel has filed affidavit of Harjeet Singh IPS, Senior Superintendent of Police, Fazilka, District Fazilka on behalf of respondents No.1 to 3. The same is taken on record. Copy of the affidavit has also been handed over to learned counsel for the petitioner.

Learned counsel for the petitioner submits that though the petitioner seeks anticipatory bail in his second attempt but on the strength of parity with the petitioner in CRM-M No.242 of 2020 he can seek anticipatory bail on the premise that the prayer for anticipatory bail on behalf of the petitioner was also rejected on 10.10.2018 passed in a bunch matter and thereafter, the rigour of orders passed by the Courts including the Hon'ble Apex Court would apply in case of the petitioner as well.

Notice of motion was issued on 29.01.2021 and arrest of the petitioner was also stayed.

For further consideration, adjourned to 08.07.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 12.04.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date."

Learned State counsel on instructions from ASI Gurnam Singh submits that the petitioner has joined investigation, further, submits that some of co-accused have also been granted anticipatory bail.

As no custodial interrogation is needed, the interim bail granted on 7th April, 2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

8th JULY, 2021

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*