

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9443-2021

DATE OF DECISION: MARCH 16, 2021

BHAGAT RAM

...PETITIONER

VERSUS

STATE OF HARYANA & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. RAWAT, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail under newly added Section 7 and 13 of Prevention of Corruption Act, 1988 in case FIR No.2079 dated 28.8.2019, initially registered under Section 138, 150 Electricity Act, 2003, Police Station Irrigation and Power, Rohtak, District Rohtak. The petitioner apprehended his arrest at the hands of Police in the aforesaid newly added Sections in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 4.3.2021, whereby while issuing of notice of motion, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the FIR was initially registered for the offences punishable under Sections 138 and 150 Electricity Act, 2003 and the concession of anticipatory bail was granted to the accused vide order dated 17.02.2020. It is pointed out that the petitioner had joined the investigation and at the

time of filing of the final report dated 22.02.2021, the offences punishable under Section 7 and 13 Prevention of Corruption Act have been added. Learned counsel submits that since the investigation is already complete, therefore, the custodial interrogation of the petitioner in respect of the newly added offences may not be necessary.

Notice of motion for 12.03.2021.

In the meantime, the arrest of the petitioner in respect of the newly added offences shall remain stayed.”

Learned counsel for the petitioner has pointed out that after completion of the investigation, while preparing the final report, the offence punishable under Section 7 and 13 of Prevention of Corruption Act, 1988 were added. He has further invited the attention of the Court to the stand of the police contained in the reply filed before the Court of Sessions.

Considering the above background and the fact that the investigation of the case is complete, therefore, custodial interrogation of the petitioner in the newly added offence is not necessary. Resultantly, it is ordered that in the event of arrest of the petitioner under said offence, he shall be admitted to anticipatory bail, subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

The petition is allowed.

March 16, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No