

CRM-M-7820-2020

Date of Decision : 01.09.2021

Shiv Kumar

...Petitioner

versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Sahil Gupta, Advocate for the petitioner.
Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 0463 dated 28.08.2018 registered under Sections 420, 467, 468 and 471 IPC at Police Station Dharuhera, District Rewari.
3. On 24.02.2020, the following order was passed:-

“ The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIRNo.0463 dated 28.08.2018 registered under Sections 420, 467, 468 and 471of the Indian Penal Code, 1860 at Police Station Dharuhera, District Rewari, Haryana.

Learned Counsel for the petitioner has submitted that the co-accused Ruzdar has forged document pertaining to his land and taken loan from SBI, Dharuhera Branch on the basis of the same. The petitioner, who was posted as Branch Manager at the

relevant time, sanctioned loan after obtaining search report cum legal opinion regarding the land in question being free from encumbrance and the owner having marketable title. The petitioner was not involved in the crime in any manner. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asst. AG Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 04.05.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Dharam Pal* confirms that pursuant to the order of this Court dated 24.02.2020, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 24.02.2020, passed by this Court, is made absolute. The petitioner

shall comply with the conditions enumerated in Section 438(2) Cr.P.C.

However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

01.09.2021

“Rajneesh/Amit”

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)

Judge