

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-9424 of 2019
Date of Decision : 03.09.2021

Neeraj Sharma

..Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Garg, Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.426 dated 15.12.2018 registered under Sections 381 and 34 IPC at Police Station Udyog Vihar, District Gurugram.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Coordinate Bench of this Court on 13.03.2019. Order dated 13.03.2019 is as under:-

“This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 426 dated 15.12.2018 registered under Sections 381, 34 IPC at PS Udyog Vihar, District Gurugram.

The allegations against the petitioner are that

he was an employee in the complainant's company (which manufacture garments) and alongwith the other co-accused was pilfering garments from the company and selling them on the sly .

Learned Senior counsel has argued that in the FIR reference was made to about 200 pieces of garments which were stolen and now on the basis of alleged disclosure statement of the main accused Shashi Bhushan the petitioner is being sought to be implicated without any evidence apart there from.

Learned Assistant Advocate General and learned counsel for the complainant point out that the petitioner is a middle level employee and there are huge unexplained cash credit entries in his account which are spoils of crime.

Learned Senior counsel countered by stating that the petitioner should not be arrested only because of this reason and without granting an opportunity to explain this.

I find merit in this arguments.

In the circumstances, let the petitioner appear before the IO on 18.3.2019 between at 9:00 am to 4:00 pm. On his so appearing he will be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C and be give an opportunity to explain cash credit entries in his account as well as to explain his side of the story.

Adjourned to 9.4.2019 to await the report of the Investigating Officer.

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Parveen Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further investigation at this stage.

In view of the above, the order dated 13.03.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 03, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No