

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M-14555-2021

Date of Decision : December 10, 2021

Suresh Kumar

..Petitioner

Versus

State of Haryana

..Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Diwan S. Adlakha, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Ajay Kumar Dahiya, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.46 dated 04.02.2021 registered under Sections 420 and 406 of the IPC at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner submits that vide order dated 01.04.2021, the arrest of the petitioner was stayed. Learned counsel for the petitioner further submits that thereafter on 10.09.2021, the petitioner was directed to join the investigation but he could not join the investigation due to certain difficulties and thereafter again on 17.11.2021, the petitioner was directed to join the investigation and in pursuance to the said order, the petitioner has joined investigation. Order dated 10.09.2021 is as under:-

“The above mentioned two petitions are being heard together as both the petitions arise out of the same FIR.

The present petitions have been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.46 dated 04.02.2021 registered under Section 420 & 406 of the IPC at Police Station Mandi Dabwali, District Sirsa.

Learned counsel for the petitioners argues that there are no other case pending against the petitioner Gulshan Kumar, but, the trial Court has rejected his anticipatory bail application by stating that there are two other cases pending against him which is factually incorrect whereas, in the case of petitioner Suresh Kumar, there are no allegations alleged in the FIR, even, regarding any acceptance of money from the complainant. Learned counsel for the petitioners submits that the petitioners are ready to join and cooperate in the investigation and, therefore, they be granted the benefit of anticipatory bail.

Learned State counsel submits that the allegations alleged against the petitioners are of taking money for providing job. Learned State counsel further submits that the custodial interrogation of the petitioners are necessary to find out the truth behind the allegations and also to find the trail of the amount, which was allegedly paid by the complainant to the petitioners.

Learned counsel appearing for the complainant submits that the complainants have paid money to both the petitioners, who had lured them to give the same on the pretext of providing job.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Arrest of the petitioners have already been stayed by a Coordinate Bench of this Court. That being so, a chance should be given to the petitioners in order to check the bonafide of the assertions that the petitioners are ready to join and cooperate in the investigation.

The petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Let the State inform this Court on the next date of hearing whether petitioners are cooperating in investigation or not.

Adjourned to 17.11.2021.

A photocopy of this order be placed on the file of connected case.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Ishwar Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 10.09.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 10, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No