

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12804-2020 (O&M)
Date of Decision: 11.02.2021

Suresh Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Surender Singh Duhan, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.50 dated 20.03.2020 under Sections 201, 409 and 420 IPC, registered at Police Station Bass, District Hansi.

As per the allegations contained in the FIR, there were allegations against the petitioner with regard to causing loss while he was working as Sarpanch during the period of 2010 to 2015.

Vide order dated 22.05.2020, notice of motion was issued in this case and the petitioner was granted interim protection.

The learned counsel for the petitioner has submitted that nothing can be recovered from the petitioner unless there is an inquiry conducted by the Block Development and Panchayat Officer to ascertain the

amount and therefore, the lodging of the FIR itself is an abuse of the process of law.

After the interim protection was granted to the petitioner, the matter was adjourned from time to time in which the petitioner had stated that he has joined the investigation and he is co-operating with the investigation process but the State has opposed the bail on the ground that although the petitioner has joined the investigation but has not co-operated with the same. Thereafter, on 21.12.2020, this Court observed that it will be just and proper that the petitioner may move an application before the learned Ilaqa Magistrate/Duty Magistrate in this regard and in case, such an application is moved then the learned Illaqa Magistrate/Duty Magistrate shall under his supervision direct the investigating officer to submit a questionnaire to the petitioner and the petitioner shall answer such questionnaire there and then or any other date fixed.

Today, the learned counsel for the petitioner has submitted that in pursuance of the aforesaid order, petitioner has again joined the investigation under the supervision of the learned Ilaqa Magistrate/Duty Magistrate and he has co-operated with the investigation process and he has replied to the questionnaire also.

Mr. Naveen Sheoran, DAG, Haryana, on instructions from ASI Surinder Singh, has submitted that the petitioner has now co-operated with the investigation process and has answered to the questionnaire supplied to him and he is not required for custodial investigation.

In view of the factual position and in view of the stand taken by

the learned State counsel, the present petition is allowed and the order dated 22.05.2020 granting interim protection to the petitioner is hereby made absolute.

11.02.2021
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No