

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(204)

CRM-M-16826-2021.
Date of Decision:-08.11.2021.

Pawan Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hemen Aggarwal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.33 dated 23.02.2021 under Sections 420, 467, 468, 471 and 120-B of IPC and Section 29 of Insecticide Act, 1968, registered at Police Station Sadhaura, District Yamuna Nagar.

On 22.04.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.33 dated 23.02.2021 registered under Sections 420, 467, 468, 471 and

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120-B of the Indian Penal Code, 1860 and Section 29 of the Insecticide Act, 1968 in Police Station Sadhaura, District Yamuna Nagar.

Learned Counsel for the petitioner has submitted that the petitioner is the partner in the firm and has been falsely implicated in the present case. The license of the firm expired on 08.12.2020. The firm had submitted application for renewal of the license and deposited the fee by way of e-challan. The firm has never sold Cynazen and no case of fraud and forgery is made out. Similarly placed co-accused Om Parkash had already been granted interim anticipatory bail by the Coordinate Bench of this Court vide order dated 09.03.2021. The petitioner is ready to join the investigation.

Notice of motion. .

Pursuant to supply of advance copy, Mr. Kirpal Singh Thakur, Asstt. A.G., Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 23.08.2021.

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 anticipatory 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

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the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and even the co-accused of the petitioner i.e., Om Parkash has been granted the benefit of anticipatory bail vide order dated 15.09.2021 passed in **CRM-M-10935-2021** and that the petitioner is not involved in any other case.

Learned State counsel, on instructions from ASI Jagdeep Singh, has opposed the present petition but, however, has submitted that the petitioner has joined the investigation on 27.07.2021 and has also not disputed the fact that the co-accused of the petitioner i.e., Om Parkash has already been granted the benefit of anticipatory bail and that the petitioner is not involved in any other case.

Keeping in view the above facts and circumstances, moreso, the fact that the licence of the firm of the petitioner, although, had expired on 08.12.2020 but an application for renewal of the same had been made and the fee had been deposited by way of e-challan and also the fact that the petitioner has joined the investigation and the co-accused of the petitioner i.e., Om Parkash has already been granted the benefit of anticipatory bail vide order dated 15.09.2021 passed in **CRM-M-10935-2021** and the case of the petitioner is on similar footing as that of Om Parkash, the present petition for anticipatory bail is allowed and the interim order dated 22.04.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only

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for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 08, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No