

Neeraj

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. HarkeshManuja, Advocate for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

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.542, dated 25.09.2020, registered under Sections 419, 420, 467, 468, 471 and 201 IPC at Police Station Mujesar, District Faridabad.

3. On 10.08.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 of Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.542 dated 25.09.2020, registered under Sections 419, 420, 467, 468, 471 and 201 IPC, 1860, at Police Station Mujesar, Faridabad.

Learned counsel contends that vide order dated 30.04.2021, while noticing the contention of the petitioner that petition for grant of pre-arrest bail was dismissed by the learned Sessions Court on the ground of the involvement of the

petitioner in case FIR No.0155 dated 24.02.2020 under Sections 406 and 420 IPC, at Police Station Surajkund, District Faridabad, yet in view of the plea that the petitioner was not an accused in the aforementioned FIR, learned DAG, Haryana had requested for an adjournment to verify the aforementioned aspect of the matter.

Today, learned Addl. AG, Haryana on instructions from ASI Satwinder Singh states that although the petitioner was nominated as an accused (on the basis of disclosure statement of co-accused Aman Wali) in the aforementioned case, yet pursuant to investigation, he was found found innocent and was exonerated.

Notice of motion.

Mr. Sandeep Singh Maan, Addl. AG, Haryana accepts notice on behalf of the State and requests for time to file reply.

Adjourned to 25.08.2021.

In the meantime, the petitioner is directed to join investigation and cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds/surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated. ”

4. Thereafter, on 25.08.2021, learned State Counsel had contended that the petitioner had not joined investigation. On 04.10.2021, learned State Counsel had stated that although the petitioner had joined investigation yet he had not co-operated in the same as he had not handed over five cheques which were taken by him from the complainant.

5. Today learned counsel for the petitioner contends that pursuant to order dated 04.10.2021, the petitioner joined investigation, fully co-operated in the same and not only disclosed about the source of forged Aadhaar Card but also with regard to the five cheques taken from the complainant.

6. Learned State counsel on instructions from *ASI Satinder*, confirms that pursuant to the orders as referred to above, including order dated 04.10.2021, the petitioner joined investigation, fully co-operated in the same and disclosed the source of forged Aadhaar Card as also the whereabouts of five cheques taken by him from the complainant and that in the circumstances, the petitioner, was released on ad interim pre-arrest bail and that his custodial interrogation is not required.

7. In view of the statement of learned State counsel, order dated 10.08.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

27.10.2021
'Rajneesh/gsv'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No