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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18044-2021
Date of decision-27.10.2021

SONU

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.287 dated 23.06.2019, under Sections 420, 406 & 120-B Indian Penal Code, 1860, registered at Police Station City Tohana, District Fatehabad. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 30.04.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that as per the allegations, the consignment of rice sold through co-accused-Rahul Sharma to M/S P. K. Overseas was

wrongly embezzled by unloading at premises of M/S Ram Bhagat Traders. Learned counsel contends that the petitioner was indicted on the basis of the disclosure statement of co-accused, namely, Prince. He has further invited the attention of the Court to the order dated 14.11.2019 (Annexure P-3), whereby concession of pre-arrest bail has been granted to the co-accused, namely, Ajay Kumar Aggarwal, who had received the consignment of rice. He submits that in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 18.08.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Mahender does not dispute this fact that the petitioner has joined the investigation, but presses for custodial interrogation of the petitioner, as according to him the petitioner actively participated in the above crime, however, learned counsel has not revealed the purpose of his custodial interrogation.

At this stage, learned counsel for the petitioner has again pointed out that the alleged deal between the seller and the buyer was facilitated by co-accused Rahul Sharma and the petitioner was implicated in this case on the basis of statement of co-accused. He submits that the

petitioner has been falsely implicated in this case only on the basis of criminal conspiracy as admittedly the person, who received the consignment of rice has already been released on bail.

After hearing the learned counsel for the parties and considering the ground raised by the State counsel for custodial interrogation of the petitioner, this court finds that the custodial interrogation of the petitioner does not seem to be justified, consequently the petition is allowed and the interim order dated 30.04.2021 granting interim bail to the petitioner is made absolute.

(MANOJ BAJAJ)
JUDGE

27.10.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No