

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

CRM-M-22124 of 2021

DECIDED ON: 23rd JUNE, 2021

Kayyum @ Mohd. Gayam Khan

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Deepak Goyal, Advocate for petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case of FIR No.22 dated 12.11.2019 under Sections 409, 420, 467, 468, 471, 120-B IPC (later on, at the time of filing of the reply to the bail application by the police, Section 420, 467, 468, 471, 120-B IPC have been deleted by the police and 34 IPC was added), registered at Police Station Uttawar, District Palwal.

This Court vide order dated 4.6.2021 granted interim bail subject to joining investigation. The order is reproduced below:

"By way of filing the present petition, the petitioner has sought the concession of anticipatory bail in case FIR No.22, dated 12.11.2019, under Sections 409, 420, 467, 468, 471 and 120-B IPC (however, Sections 420, 467, 468, 471, 120-B IPC have been deleted lateron and Section 34 IPC has been added), Police Station Uttawar, District Palwal.

Learned counsel for the petitioner contends that the present petitioner never purchased any cooler in the name of school and the allegation against him that he got the signatures of the Headmaster of the school regarding the receipt of the cooler is totally frivolous and unwarranted. The present petitioner has no concern with the purchase and installation of the coolers in the school. He further contends that the offences under Sections 420, 467, 468, 471 and 120-B IPC have been deleted during the course of investigation. He further contends that as per the documents placed on the file, the coolers had already been installed even before the registration of FIR.

Notice of motion.

Mr. Manish Dadwal, AAG, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has already been supplied to learned State counsel.

Let the reply/status report be filed on or before 23.06.2021.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner 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 him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.

(iv) that the petitioner shall surrender his passport, if any, before the concerned Chief Judicial Magistrate."

Learned State counsel has filed status report and submits on instructions that the petitioner has joined investigation.

Considering the fact that the petitioner has joined investigation and in the facts of the case custodial interrogation would not be necessary as no recovery is to be made, the interim bail granted on 4.6.2021 is made absolute.

Disposed of accordingly.

23rd JUNE, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *No*