

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

201/3

CRM-M-13824 of 2021 (O&M)

Date of Decision:14.09.2021

Sunil @ Balu

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-23195 of 2021 (O&M)

Manjeet

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-5164 of 2021 (O&M)

Sudhir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

CRM-M-13824 of 2021

Pursuant to the order dated 25.03.2021, learned State counsel submits,

on instructions from ASI Ashok, that though the petitioner (Sunil @ Balu) has joined investigation, he is not co-operating in the matter.

Adjourned to 07.10.2021.

A gazetted officer is directed to file a detailed reply to the petition stating therein as to in what manner he is not co-operating.

Naturally, if this court comes to the same conclusion that the petitioner did not co-operate, the petition would be liable to be dismissed on that date itself.

Interim order to continue till then.

CRM-M-5164 of 2021 (O&M)

In this case also, learned State counsel submits, on instructions from the same police official, that though the petitioner has joined investigation pursuant to the order dated 02.03.2021, he is not co-operating in the matter.

Adjourned to 07.10.2021.

Naturally, a similar reply would also be filed by a gazetted officer, to this petition (or a common reply be filed to both petitions, i.e. CRM-M-13824 of 2021, stating exactly in what manner they are not co-operating).

Interim order to continue till then.

CRM-M-23195 of 2021 (O&M)

Vide this petition also, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.131, dated 07.03.2020, having been registered at Police Station Sadar, District Sonipat, alleging therein the commission of offences punishable under Sections 420, 467, 468 and 471 of the IPC, as also under the provisions of Section 61 of the

Excise Act, 1914.

Learned State counsel submits, on instructions from ASI Ashok, that pursuant to the order dated 16.06.2021, the petitioner has joined investigation and presently his custodial interrogation is not required.

That being so, this petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Since learned counsel for the petitioner has expressed concern that the petitioner may not be thereafter admitted to bail by the trial court on the ground that this petition has been rendered infructuous simply because his custodial interrogation was not required, it is made clear that unless the respondent investigating agency gives any notice to the petitioner seeking his presence again for interrogation, the petitioner would also be deemed to have been admitted to bail during the pendency of the trial, if at all the case comes to the stage of a trial.

A copy of this order be also placed on the file of the other connected matters too.

September 14, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No