

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

CRM-M-22916-2021

DECIDED ON: 12th JULY, 2021

NARESH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Naresh S. Shekhawat, Senior Advocate with
Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Aman Chaudhary, Advocate
for respondent No. 2.

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
FIR No.15 dated 21.05.2021, under Section 7 of the Prevention of
Corruption Act, 1988, as amended by Prevention of Corruption
(Amendment) Act, 2018 and Section 120-B of IPC, registered at Police
Station Vigilance Bureau Patiala, Punjab.

This Court vide order dated 18th June, 2021 granted the interim
bail subject to joining investigation. The order is reproduced below:-

*“Petitioner-Naresh Kumar, stated to be aged 50 years,
has filed the present petition under Section 438 Cr. P.C. inter
alia praying for grant of anticipatory bail in case FIR No.15
dated 21.05.2021, under Section 7 of the Prevention of
Corruption Act, 1988, as amended by Prevention of
Corruption (Amendment) Act, 2018 and Section 120-B of IPC,
registered at P.S. Vigilance Bureau Patiala, Punjab.*

Learned counsel for the petitioner, at the outset, by making reference to pleadings in the petition submits that in fact the perusal of the FIR would show that it is a result of conspiracy of rice mill operators. He further submits that the petitioner being on a post of Quality Control Manager, had earned enmity of the rice mill operators. Learned counsel then submits that the petitioner was never found at the spot at the time of raid. Therefore, the allegations in the FIR are not trustworthy.

Learned State counsel, on instructions from ASI Balwinder Singh, submits that there are serious allegations in the FIR. He submits that thorough investigation in the case would be required and for the same the custodial interrogation of the petitioner is essential.

Learned Senior counsel for the petitioner, faced with the situation submits that the petitioner is a government employee. He would have to face suspension or any further disciplinary action automatically, in case he is arrested. He further submits that the petitioner is ready to join the investigation and undertakes to fully cooperate in the matter. He then submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 12.07.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall

abide by the conditions as provided under Section 438(2) CrPC.

Learned State counsel is also directed to file a fresh status report after allowing the petitioner to join the investigation.”

Learned State counsel, on instructions from Inspector Sudarshan Kumar, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

As no custodial interrogation is needed, the interim bail granted on 18th June, 2021 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

12th JULY, 2021

shabha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*