

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203-A)

CRM No. M-23036 of 2021
Date of Decision : 06.09.2021

Ajit

...Petitioner

Versus

State of Haryana

...Respondent

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The petitioner is seeking anticipatory bail in FIR No 09 dated 10.01.2021, registered under Sections 420, 467, 468, 471, 120-B IPC and Sections 61 & 63-A of the Punjab Excise Act, 1914 at Police Station City Jhajjar, District Jhajjar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 15.06.2021. Order dated 15.06.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.09 dated 10.01.2021, registered under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code and Section 61 & 63-A of the Punjab Excise Act, 1914 at Police Station City Jhajjar.

Learned counsel for the petitioner argues that the co-accused of the petitioner namely Manender has been granted the benefit of interim anticipatory bail by this Court while

hearing CRM-M-9699-2021 and another co-accused Virender has already been granted the benefit of regular bail by this Court while deciding CRM-M-17388-2021. Learned counsel for the petitioner submits that as the co-accused have been granted the benefit of interim anticipatory bail as of now, the petitioner be also granted the said benefit being similarly situated.

Notice of motion for 06.09.2021.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State does not dispute that co-accused Manender has already approached this Court seeking the concession of anticipatory bail and he has been granted the interim bail by this Court on 02.03.2021.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he 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 from disclosing the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

To be heard alongwith CRM-M-9699-2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 15.06.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 06, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No