

202-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 40442 of 2017 (O&M)

Decided on: 18.08.2021

Yogesh Rathi

....Petitioner

Versus

Central Bureau of Investigation

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sachin Kaushik, Advocate
for the petitioner.

Mr. Sumeet Goel, Sr. Advocate
with Mr. A.K. Ranolia, Advocate
for the respondent – CBI.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.118 dated 27.02.2016, registered at Police Station Urban Estate, Rohtak, District Rohtak, which was later handed over to CBI and fresh FIR No.RCCHG512016S0014 dated 06.10.2016 registered under Sections 120-B, 148, 149, 186, 188, 307, 353, 395, 427, 436, 452 IPC and 25/54/59 of the Arms Act and 3 and 4 of the Prevention of Damage to Public Property Act, 1984 at Police Station CBI, SCB, Chandigarh.

The operative part of the order dated 27.11.2017, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned retainer counsel for CBI requests for adjournment to file reply and have instructions.

List on 01.02.2018.

In the meanwhile, petitioner is directed to surrender

CASE HEARD THROUGH VIDEO CONFERENCING

before the CBI and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 27.11.2017, the petitioner has already appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact.

Considering the fact that the present petition is pending since 2017 and a period of more than 04½ years has elapsed and the petitioner has not misused the concession of interim bail, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.11.2017 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2021

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No