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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 42120 of 2018 (O&M)

Decided on: 18.08.2021

Ashok Kumar Balhara

....Petitioner

Versus

Central Bureau of Investigation

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rahul Deswal, 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 24.09.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that the case of the present petitioner is on better footings viz-a-viz co-accused Yogesh Rathi and Sachin Dahiya, who have been released on anticipatory bail. Learned counsel

CASE HEARD THROUGH VIDEO CONFERENCING

also submits that as per tower location, the petitioner was found to be present at his house, which is closer to the house of the complainant. Challan has been presented and nothing is to be recovered from the petitioner. Petitioner is ready to join the Court proceedings.

Notice of motion for 14.11.2018....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 24.09.2018, the petitioner has already surrendered before the trial Court and he has not misused the concession of interim bail.

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 2018 and a period of more than 03 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 24.09.2018 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