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

CRM-M No.22264 of 2020

Date of Decision: 15.03.2021

KULDEEP SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.45 dated 27.01.2019 registered under Sections 406, 420 IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Sadar, District Hisar.

At the time issuance of notice of motion, interim order was passed to the effect that no coercive steps would be taken against the petitioner. Thereafter vide order dated 28.09.2020, petitioner was directed to join the investigation to the

satisfaction of the Investigating Officer. Order dated 28.09.2020 passed by the Co-ordinate Bench is reproduced hereasunder:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Replies have been filed in each of these cases by way of an affidavit of a gazetted officer; however, Mr. Bhardwaj, upon query to him as regards the ‘connection’ of each petitioner to the firm which has allegedly duped people crore of rupees, submits that as regards the petitioner in CRM-M-22264 of 2020, i.e. Kuldeep, he even distributed pamphlets showing that he is the proprietor of the said firm; and as regards Vinod (petitioner in CRM-M-24944 of 2020), he is found to be either a promoter or an agent of the said firm, with actually the firm not even registered.

The allegation against the petitioners being very serious, of duping people of crore of rupees, adjourned to 09.10.2020. A common affidavit be filed in both these petitions by a gazetted officer, clearly depicting therein the exact role of each petitioner in the aforesaid firm, along with evidence with regard to such connection of each petitioner to the firm, as has been gathered by the investigating agency.

Obviously, if any pamphlets have been recovered by the investigating agency, copies thereof would be annexed with the affidavit to be filed by a gazetted officer.

In the meanwhile, the petitioner in CRM-M-22264 of 2020 is directed to join investigation within four days, i.e. by 03.10.2020, and upon him so joining, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilalaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in

investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

It is made clear that at this stage the interim orders passed in these cases are operating only till the next date of hearing specifically.

Mr. Bhardwaj also submits that in fact there are two other similar cases registered against petitioner Vinod, and one other case registered against petitioner Kuldeep.

The details of those cases, including the present status thereof, shall be disclosed in the affidavit to be filed, with a copy thereof to be supplied to the learned counsel for the petitioners in each case, in advance.

It is made clear that any request for an adjournment by any counsel for the petitioner on that date will entail automatic vacation of the interim order, with no further order required to be passed in that regard.

28.09.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE”

In due course, the matter came up for hearing before this Court on 25.01.2021 and last opportunity was granted to the petitioner to join the investigation as he had not co-operated with the Investigation Officer and did not disclose material information.

Today, learned State counsel on instructions from Inspector Mandeep Kumar submitted that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer on 07.03.2021. Petitioner is not required for any further investigation in the case and the State has no

objection in case the order dated 28.09.2020 is made absolute.

In view of above, interim order dated 28.09.2020 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

March 15, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

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