

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

**CRM-M-29712 of 2021
Date of Decision:-14.10.2021**

Ajim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kartik, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

GURVINDER SINGH GILL J.(Oral)

The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.69 dated 08.5.2021, under Sections 379 and 407 IPC (Sections 420, 468, 471 and 120-B IPC added later on), registered at Police Station Hassanpur, District Palwal.

At the time of issuance of notice of motion, the following order was passed on 29.7.2021 :-

“Learned counsel for the petitioner contends that the allegations in nutshell, as per FIR are to the effect that 558 jute bags of wheat which were dispatched from Grain Market did not reach to its destination though the destination was barely 25 kms away.

Learned counsel for the petitioner has submitted

that it remains unexplained as to why the complainant did not take any action for 2 days although the destination is stated to be barely 25 kms away. It has further been submitted that the main accused in the instant case i.e. the driver and the conductor namely Javed and Waris have already been arrested and that the petitioner has subsequently been nominated as an accused on the basis of a disclosure statement allegedly made by Javed whereas in fact the petitioner is none else but father of said Javed and it is highly unlikely that he would have stated anything against his own father. It has further been submitted that the petitioner has a clean record and is never involved in any case earlier and has been implicated in the present case simply to pressurize his son Javed.

Notice of motion for 14.10.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of 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) Cr.P.C.”

Learned State counsel on instructions from SI Rajesh Kumar has informed that the petitioner pursuant to interim direction has joined investigation though he has not got recovered the amount in question.

I have considered the aforesaid submissions made on behalf of learned State counsel.

Having regard to the facts and circumstances of the case, this Court is of the opinion that it is not a case warranting custodial

interrogation, particularly keeping in view the fact that petitioner has a clean record and is not stated to be involved in any case earlier. The petition is accepted and the interim directions issued by this Court vide order dated 29.07.2021 are made absolute subject to condition that petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

October 14, 2021
Vijay Asija

(**GURVINDER SINGH GILL**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No