

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

202

CRM-M-27470-2020 (O&M)

Date of decision:14.01.2021

Ashwani Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vansh Malhotra, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Reply by way of affidavit dated 12.01.2021 of Deputy
Superintendent of Police, Kaithal has been filed through e-mail, which is
taken on record.

The petitioner has filed this petition under Section 438 of
Cr.P.C. for grant of anticipatory bail in case FIR No. 90 dated 28.05.2020
registered under Sections 406, 420 IPC and under Section 24 of the
Immigration Act, 1983 (Section 370 IPC added later on) at Police Station
Dhand, District Kaithal.

This Court, on 11.09.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No. 90 dated 28.05.2020 registered under Sections 406, 420 IPC and under Section 24 of the Immigration Act, 1983 (Section 370 IPC added later on) at Police Station Dhand, District Kaithal.

Learned counsel for the petitioner states that the petitioner was granted interim bail by the Sessions Court on 10.06.2020. Pursuant to the said order, the petitioner made all efforts to join the investigation but he was not allowed to do so by the Investigating Officer. He, thus, ultimately communicated the same to the concerned SHO vide letter dated 18.07.2020, but the same did also not yield any result. Subsequently, vide order dated 31.08.2020 passed by the learned Additional Sessions Judge, Kaithal, the bail application of the petitioner was dismissed on the ground that Section 370 IPC was added to/in the FIR after recording the supplementary statement of the complainant.

Learned counsel for the petitioner further states that the petitioner is not into the business of sending people abroad and is basically running a Pesticides and Fertilizers agency. Moreover, the complainant went abroad and he had been apprehended while crossing the Mexico border.

Notice of motion.

Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of the State and prays for time to file reply.

Adjourned to 14.01.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the order dated 11.09.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, relying upon the reply of Deputy Superintendent of Police, Kaithal dated 12.01.2021 submits that the petitioner has joined the investigation and is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 11.09.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

14.01.2021

Aman Jain

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No