

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

204-3

CRM-M-37616-2020

Date of decision: 21.01.2021

Balbir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Nitin Meel, Advocate for
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.82 dated 24.03.2018 registered under Sections 279 and 304-A of the Indian Penal Code, 1860 (for short, "the IPC") in Police Station Civil Lines Sonapat, District Sonapat from which Sections 279 and 304-A of the IPC were deleted and Sections 201, 205, 420, 464, 465, 468, 472, 193, 297, 120-B, 180 read with Section 34 of the IPC and Section 7 of the Prevention of Corruption Act, 1988 were added later on.

While issuing notice of motion on 16.11.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

*"The petitioner has filed the present petition under
Section 438 of the Code of Criminal Procedure, 1973 (for*

short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.82 dated 24.03.2018 registered under Sections 279 and 304-A of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Civil Lines Sonapat, District Sonapat from which Sections 279 and 304-A of the IPC were deleted and Sections 201, 205, 420, 464, 465, 468, 472, 193, 297, 120-B, 180 read with Section 34 of the IPC and Section 7 of the Prevention of Corruption Act, 1988 were added later on.

*Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was just doing his job of registering the FIR on the basis of the information received. On the same/similar allegations FIR No.144 dated 19.04.2019 was registered under Sections 193, 120-B, 201, 205, 297, 420, 464, 465, 468 and 471 read with Section 34 of the IPC and Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988 in Police Station Civil Lines, Sonipat. The petitioner has been granted regular bail in the above-said case by learned Sessions Judge, Sonipat vide order dated 08.04.2020. The implication of the petitioner in the present case by addition of Sections 201, 205, 420, 464, 465, 468, 472, 193, 297, 120-B, 180 read with Section 34 of the IPC and Section 7 of the Prevention of Corruption Act, 1988 is wholly unjustified, abuse of process of law and not permissible in view of the observations made by Hon'ble Supreme Court in **T.T. Antony Vs. State of Kerala : 2001 (3) RCR (Criminal) 436**. Similarly placed co-accused Dr. Ambuj Jain has been granted interim anticipatory bail by this Court vide order dated 06.10.2020 passed in CRM-M-31282-2020. The petitioner is ready to join the investigation.*

Notice of motion.

Pursuant to supply of advance copy of the petition Mr.Anant Kataria, DAG, Haryana has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 10.12.2020.

Reply with copies of the relevant documents including the documents regarding investigation carried out by the petitioner be filed in the Registry before that date.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled

to the protection of interim bail allowed to him.

To be heard with CRM-M-31282-2020."

The petition has been opposed by the learned State Counsel in terms of status report filed by way of affidavit of Virender Singh, HPS, Deputy Superintendent of Police, Head Quarter, Sonapat.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made on 16.11.2020, submitted that in compliance with order dated 16.11.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from the investigating officer, acknowledged that in compliance with order dated 16.11.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 16.11.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

21.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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