

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

204-4

CRM-M-37621-2020

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.135 dated 11.04.2019 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 and 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 17.11.2020, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

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 in the Registry which is taken on record.

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

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 and 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**. In compliance with order dated 17.11.2020, 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 17.11.2020 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 17.11.2020 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