

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.40966 of 2020
Date of Decision: March 23, 2021

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pradeep Chhoker, Advocate for
Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.124 dated 05.11.2020, under Sections 406, 420, 506 IPC, 1860 and Sections 10/24 Immigration Act, registered at Police Station, City Pehowa, District Kurukshetra. The petitioner apprehended his arrest at the hands of police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.12.2020, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Heard.

Adjourned to 23.03.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of

Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Reply by way of affidavit of Gurmail Singh, HPS, DSP, Pehowa has been filed. The same is taken on record.

Learned State counsel, who is assisted by ASI Subhash, does not dispute this fact that the petitioner has joined the investigation. However, according to him, the amount paid by the complainant by way of cheque was credited in the account of the co-accused of the petitioner, namely, Parveen Sarin and later on the said amount was transferred in the account of wife of the petitioner. He has invited the attention of the court to the reply filed by way of affidavit of Gurmail Singh, HPS, DSP, Pehowa.

It is apparent that the case of the prosecution is based on documentary material and, therefore, the custodial interrogation of the petitioner may not be justified.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 22.12.2020 is made absolute.

March 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No

