

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-44324-2020

Date of decision: -16.09.2021

Vikram Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No. 406 dated 23.11.2020 under Sections 166 and 409 of the Indian Penal Code, 1860, registered at Police Station City Sohna, District Gurugram.

While granting interim protection to the petitioner, this Court passed the following order on 31.01.2020:-

“Learned counsel for the petitioner, at the very outset, would submit that out of total files entrusted to the petitioner, he has returned two files and would return the remaining ones as and when directed.

Notice of motion.

Mr. Raman Sharma, Addl. A. G., Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent-State and submits that the petitioner herein who is an ASI has illegally retained the files which had been entrusted to him. It is also argued that on account of retaining the files illegally, investigation has not been completed.

In view of above, the petitioner is directed to hand over the complete files forthwith but not later than 05.01.2021 to the SHO concerned.

The arrest of the petitioner is stayed limited to next date of hearing.

Adjourned to 12.01.2021.”

On 12.01.2021, this Court passed the following order:-

“Counsel for the petitioner herein would pray for grant of anticipatory bail to the petitioner, while arguing that the main allegation against the petitioner is that he has illegally retained official files, which have now been handed over against the due receipt on 05.01.2021, pursuant to the order dated 31.12.2020.

Counsel for the respondent-State, on instructions from ASI Madan, would submit that files have been received.

Adjourned to 28.05.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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 State counsel, upon instructions, from ASI Krishan Chander submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 12.01.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

16.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No