

CRM-M No.44338 of 2020

Date of Decision : 10.09.2021

Rajesh Kumar

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Sahil Chaudhary, Advocate for the petitioner.
Mr. Gurbir Singh Dhillon, AAG, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.33 dated 05.03.2019 registered under Sections 420, 406 and 120-B IPC at Police Station Sadhaura, City Yamuna Nagar, District Yamuna Nagar.

2. On 31.12.2020, the following order was passed:-

“ This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.33 dated 05.03.2019 under Section 420, 406, 120B IPC registered at Police Station Sadhaura, District Yamuna Nagar.

Counsel for the petitioner would inter alia contend that the petitioner has been falsely implicated in the present matter. It is contended that the petitioner had availed of loan from the bank against the mortgage of his gold and has repaid the entire amount. It is also contended that the gold was accepted after due verification by the jeweller of the bank, who has already been allowed anticipatory bail by the High Court in CRM-M No.14199 of 2020. It is further argued that two other co-accused have been allowed bail in CRM-M No.36711 of 2020 and CRM-M No.43414 of 2020.

Notice of motion.

Mr. Raman Sharma, Addl. A.G., Haryana, who is present in the Court through the medium of video conferencing accepts notice for the respondent-State.

Adjourned to 24.05.2021.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds 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. ”

3. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Suresh Kumar*, confirms that pursuant to the order of this Court dated 31.12.2020, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 31.12.2020, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

5. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

10.09.2021

'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>