

CRM-M-55055 of 2019

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

101+201

CRM-M-55055 of 2019 (O&M)

Date of decision:22.09.2021

Sanjay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.R.N.Lohan, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.28624 of 2021

Application is allowed.

Annexures P-3 and P-4 are taken on record, subject to all just exceptions.

CRM-M-55055 of 2019

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No.251 dated 21.11.2019 registered under Sections 419, 420, 467, 468, 471 of Indian Penal Code, 1860 at Police Station Julana, District Jind (Annexure P-1).

On 20.12.2019, while granting interim protection to the petitioner, this Court passed the following order:-

“Learned counsel for the petitioner submits that the petitioner in fact was only a witness to a sale deed, to which he had stood as such witness (as regards its execution) on the request of one of the beneficiaries, i.e. Anil, and that in fact after coming to know that a fraud had been committed, he in fact has filed a civil suit in which notice has been issued by the learned trial Court, vide the order dated 13.11.2019 (Annexure P-1), after which the FIR was registered.

The contention therefore is that the petitioner is in no way a beneficiary of the transaction.

Without making any comment on the actual merits of the case, let notice of motion be issued, returnable on 30.1.2020.

In the meanwhile, upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

Counsel for the petitioner submits that the petitioner has been involved in two other cases, the details of whereof are as under:-

- i) FIR No.160 dated 10.07.2010 registered for offences under Sections 216 and 412 IPC, at Police Station Julana, District Jind, wherein, he has been acquitted vide judgment dated 14.10.2014 (Annexure P-3); and
- ii) FIR No.290 dated 05.09.2018 registered for offences under Sections 5, 6 of the Essential Services Maintenance Act, 1981 and Sections 186, 341, 353 IPC, registered at Police Station Civil Lines, Jind. By making a reference to letter dated 22.01.2021 (Annexure P-4), counsel for the petitioner submits that the Government of Haryana has decided to withdraw the criminal proceedings initiated under the Essential Services Maintenance Act against the employees of the Haryana State Transport Department.

Learned State counsel, on instructions from ASI Sultan Singh submits that the petitioner has joined the investigation and is no longer required for custodial interrogation. He has further instructions to submit that the petitioner is involved in other criminal cases, the details of which have been given by the petitioner.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 20.12.2019 granting interim bail to the petitioner is made absolute, subject

to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

September 22, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>