

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

**205**

**CRM-M-1490-2022**

**Date of decision: 29.03.2022**

**RAJENDER**

**.....PETITIONER**

Versus

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Sumit Sharma, Advocate  
for Mr. Aditya Sanghi, Advocate  
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana  
for the respondent-State.

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**SANT PARKASH, J. (ORAL)**

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 421 dated 11.10.2021 registered under Sections 397/188 of the IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 at Police Station City Mahendergarh, District Mahendergarh.

While issuing notice of motion on 01.02.2022, this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 01.02.2022 reads as under :-

“ .....In compliance of the last order dated 20.01.2022, learned State Counsel submitted that a total amount of Rs.2,39,107/- is recoverable from the petitioner.

Notice of motion for 29.03.2022.

Subject to deposit of 50% of the aforesaid amount i.e.Rs.2,39,107/- with the concerned Investigating Officer within 4 days from today, the petitioner shall be allowed to appear before SHO/Investigating Officer to join investigation and in the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

*(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*

*(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

*(iii) that the petitioner shall not leave India without the previous permission of the Court.”*

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has submitted that in compliance with order dated 01.02.2022, 50 % of the aforesaid amount has been deposited with the concerned Investigating Officer and the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Ashwani Kumar, acknowledged that in compliance with order dated 01.02.2022 passed by this Court, the petitioner has deposited the 50 % amount, has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 01.02.2022 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation 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.

29.03.2022  
kavneet singh

(SANT PARKASH)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |