

**202-A IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CRM-M-2764-2021

Date of decision-22.02.2022

Dilbag

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. U.K.Agnihotri, Advocate for the petitioner.

 Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.689 dated 15.08.2018 under Sections 120-B, 180, 193, 420, 467, 468, 471, 472 and 506 Indian Penal Code, 1860 registered at Police Station Assandh, District Karnal, who apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has argued that the petitioner along with other accused persons was put to trial in case FIR No.38 dated 08.01.2012, wherein petitioner was acquitted through judgment dated 21.12.2017 and his co-accused were convicted and their appeal is pending before Court of Sessions and convicts are on bail. He submits that as per allegations in the present FIR, certain documents produced in the previous trial were alleged to be forged and therefore, on the strength of the statement made by complainant, present case has been registered and the allegations of extending threat by the accused are of 24.09.2017. He submits that indirectly, the present case is another prosecution of the petitioner relating to

the subject matter of the previous trial and as the case of the prosecution is based upon documentary material, therefore, the custodial interrogation of the petitioner may not be necessary.

Learned State counsel who is instructed by ASI Bahadur Singh does not dispute the above facts, however, he states that certain documents are yet to be recovered from the petitioner. In this regard, he has referred to the reply filed by the State, however, he is unable to justify the argument as the said documents are already on record in the case file of the previous trial.

Considering the above background and the case set up by the prosecution, this Court is of the opinion that in the given facts, custodial interrogation of the petitioner does not appear to be necessary as the case of the prosecution is based upon documentary material.

Resultantly, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.02.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No