

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2833-2022

Date of Decision: 01.04.2022

Rajesh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Narinder Singh Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No.425, dated 01.10.2021, under Section 379-A of the IPC (Section 395 of the IPC added later on), registered at Police Station Taraori, Karnal.

Learned counsel for the petitioners contends that the petitioners have joined the investigation in terms of the order dated 28.01.2022, passed by this Court, which is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No. 425 dated 01.10.2021, registered under Section 379-A IPC (Section 395 IPC added later on) at Police Station Taraori, District Karnal.

Learned counsel for the petitioners argues that petitioners were involved in FIR No. 474 dated 06.11.2021 on similar allegations on the basis of disclosure statement of co-accused, namely, Pardeep Kumar, wherein, the petitioners were granted regular bail by the competent Court of Law on 17.11.2021

(Annexure P-4). Learned counsel for the petitioners submits that as the petitioners were wrongly involved in the said case, a complaint was made raising the said grievance before the higher officials, wherein allegation against the police official investigating the case was also made.

Learned counsel for the petitioners submits that thereafter petitioners have been involved in four other cases on the basis of disclosure statement of the same accused with mala fide intention to seek revenge against the petitioners for approaching higher officials raising grievance qua conduct of investigation. Learned counsel further submits that petitioners are ready to join the investigation and cooperate and, therefore, they may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that initially the petitioners were roped in FIR No. 474 dated 06.11.2021 on the basis of disclosure statement of a co-accused, namely, Pardeep Kumar and thereafter, keeping in view the further disclosure statement of said co-accused, namely, Pardeep Kumar, the involvement of the petitioners is found in other cases as well including the present FIR. Learned State counsel submits that the modus operandi for disposal of the material stolen by the other co-accused, is yet to be ascertained and, therefore, custodial interrogation of the petitioners is necessary.

I have heard learned counsel for the parties and have gone through the record with their able

assistance.

Keeping in view the facts and circumstances of this case coupled with the fact that petitioners have been involved in the present case after the complaint was made by the wife of one of the petitioner raising allegation against the investigating officer especially when nothing is to be recovered from them, the purpose of investigation will be achieved in case petitioners are directed to join the investigation and cooperate.

As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they 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 them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 28.03.2022.

It is, however, made clear that after the

petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed.”

Learned State counsel, on instructions from S.I. Karambir, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 28.01.2022 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.04.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes

2. Whether reportable : No