

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-3911-2022

Date of decision: - 18.10.2022

Ravi Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kamal Rathi, Advocate
for Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.250 dated 06.12.2021, under Section 409 IPC, registered at Police Station Tigaon, District Faridabad.

On 01.02.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The prayer is for the grant of anticipatory bail to the petitioner in case FIR No.250 dated 06.12.2021 for offences punishable under Sections 409 of IPC registered with Police Station Tigaon, Faridabad, District Faridabad.

The allegations against the petitioner are that he being an employee of the post office collected different amounts from certain investors, filled in their passbooks to show that the money had been received but instead of depositing the same with the post office embezzled the same.

On a query to the learned State Counsel he very fairly concedes that the custodial interrogation of the petitioner is required so as to bring forth the names of all the prospective aggrieved persons in order to judge the quantum of loss suffered by each individual.

Notice of motion for 18.02.2022.

In the meanwhile, in the event of his arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, he shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.

(JASJIT SINGH BEDI)
JUDGE

February 01, 2022"

Thereafter, on 22.09.2022, this Court was pleased to pass the following order: -

"Learned counsel for the petitioner has submitted that he has brought a demand draft of Rs.1,00,000/- in the name of Post Office Treasury, Faridabad and undertakes that he would hand over the same to the Investigating Officer of the present case within a period of 10 days from today.

Adjourned to 18.10.2022.

Petitioner is directed to hand over the said demand draft of Rs.1,00,000/- to the Investigating Officer within a period of 10 days from today. The investigating officer is directed to hand over the said demand draft to the complainant after taking receipt regarding the same.

Interim order to continue till the next date of hearing.

(VIKAS BAHL)
JUDGE

September 22, 2022"

Learned counsel for the petitioner has submitted that in pursuance of above-said order dated 22.09.2022, a demand draft of Rs.1,00,000/- in the name of Post Office Treasury, Faridabad has been prepared and the same has been handed over to the investigating officer

of the case.

Learned State counsel, on instructions from the investigating officer, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

October 18, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No