

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

207

CRM-M-3890-2022

Date of decision: 29.03.2022

RAJ KUMAR

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sanjeev Kumar Birla, Advocate
for Mr. Varun Gupta, Advocate
for the petitioner.

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

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. 192 dated 09.03.2021 registered under Sections 420/465/467/468/471 of the Indian Penal Code, 1860 at Police Station City Narnaul, 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 :-

“Learned counsel for the petitioner contends that deficit amount is of Rs.1 lakh. Petitioner undertakes to deposit the same in the court of Chief Judicial Magistrate, Narnaul within 10 days.

Notice of motion for 29.03.2022.

Mr. Amreek Singh Narwal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent State.

Subject to deposit of deficit amount of Rs.1 Lakh before the Chief Judicial Magistrate, Narnaul within one week from today, 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, while reiterating submissions made on 01.02.2022, submitted that in compliance with order dated 01.02.2022, the petitioner has deposited the deficit amount of Rs. 1 Lakh before the Chief Judicial Magistrate, Narnaul and 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. Rajesh, acknowledged that in compliance with order dated 01.02.2022 passed by this Court, the petitioner 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