

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH  
CRM-M-6021-2021  
Date of Decision: 5<sup>th</sup> January, 2022**

Jai Kishan

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Anurag Arora, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana for the respondent-State.

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**AVNEESH JHINGAN , J.(Oral)**

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 328, dated 09.08.2017, under Sections 408, 409, 420, 166A of IPC, 1860, (Sections 148 and 149 IPC deleted; and Sections 467, 468, 471 of IPC and Sections 13(c), 13(d) (ii) of Prevention of Corruption Act, 1988 added lateron), registered at Police Station Chandhut, District Palwal.

3. Following order was passed on 6<sup>th</sup> October, 2021:-

*“This is a petition seeking anticipatory bail under Section 438 Cr.P.C. in case FIR No.328 dated 09.08.2017 under Sections 408, 409, 420, 166A of IPC, 1860 (Sections 148, 149 of IPC deleted and Sections 467, 468, 471 of IPC and Sections 13 (c), 13 (d) (ii) of Prevention of Corruption Act, 1988 added later on) registered at Police Station Chandhut, District Palwal, Haryana.*

*The allegations are that the petitioner embezzled funds of cooperative society in which he was an employee. Notice of motion was issued on 10<sup>th</sup> February 2021 and the matter was adjourned for filing of the status report. Last opportunity was granted on 18.02.2021 for filing the status report. The status report was filed. On 16.03.2021, counsel for the*

*State made a request to place on record an additional affidavit. After availing four dates, till date no additional affidavit has been filed.*

*The contention of the counsel for the petitioner is that the petitioner was exonerated in an inquiry held by the Department. It is further argued that co-accused was granted anticipatory bail.*

*In spite of availing adjournments for more than five months, till date additional affidavit has not been filed. In the interest of justice, an another opportunity is granted to the State of Haryana to file an additional affidavit.*

*Adjourned to 05.01.2022.*

*However, in the meantime to avoid any further delay in the investigation, let the petitioner join the investigation within one week. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”*

Learned State counsel has filed an additional affidavit on 29<sup>th</sup> December, 2021. She on instructions from Inspector Satyanarayan submits that petitioner has joined the investigation and required record is with the Investigation Agency. As on date there is no substantial reason for the custodial interrogation of the petitioner.

In view of the statement made by learned State counsel, the interim bail dated 6<sup>th</sup> October, 2021 is made absolute.

However, it is clarified that in case of change in any circumstances, State would be at liberty to move an application in accordance with law.

**(AVNEESH JHINGAN )  
JUDGE**

**5<sup>th</sup> January, 2022**  
*Parveen Sharma*